

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 14, No. 39

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li	s issue	
		× .
Sc	ocial and Rehabilitation Services Public notices	131
	Public notices	
,	Notice of hearings	
La	w Enforcement Training Commission Notice of meeting	
K	ansas State Treasurer Notice of investment rates	
S	tate Board of Accountancy Notice of meeting	
	ansas Insurance Department	
τ.	egislative interim committee schedule	
	egislative intestin committee surculate	
_	Ansas State University Notice to bidders	
	Ansas Real Estate Commission  Notice of hearing on proposed administrative regulations	•••••
D	Department of Transportation Notice to consulting engineering firms Notice to contractors	
c	tate Board of Indigents' Defense Services	
	N7. et C laim	
_	Notice of nearing	
S	tate Board of Technical Professions  Notice of hearing on proposed administrative regulations	
r	Department of Administration Notices of commencement of negotiations for engineering services	13
	University of Kansas	
Ŧ	Notice to Didders  Department of Health and Environment  Requests for proposals	
•	Requests for proposals	1è
	Nation comming Vancoc water pollution control permits	
ľ	Notice to bidders for state purchases	
ŀ	Historic Sites Board of Review	
1	Kansas Commission on Governmental Standards and Conduct Advisory Opinion No. 95-17	············
1	Notice of Bond Sale	
•	67 (7	
	City of Garden City	
1	Notice of Bond Redemption City of Ashland	
	City of Humboldt	
	Permanent Administrative Regulations Social and Rehabilitation Services	4.0
]		

#### Social and Rehabilitation Services

#### **Public Notice**

Effective October 1, 1995, Kansas Medicaid is revising the weights and rates used for payment of inpatient hospital services under the diagnosis related groups payment system. These changes involve the redetermination of weights and rates using newer cost reports and claim data. There are no new DRGs and no changes in the hospital groups.

Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 016845

#### State of Kansas

#### Social and Rehabilitation Services

#### Notice of Hearings

The Kansas Department on Aging and the Department of Social and Rehabilitation Services have scheduled joint public hearings for the following dates:

October 10 Topeka October 11 Wichita October 12 Hays

The purpose of the hearings is to gather public comments in response to a proposed plan to transfer adult protective services and long term care programs from SRS to KDOA. For more information and a copy of the proposed plan, call 1-800-432-3535.

Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 016842

#### State of Kansas

# Law Enforcement Training Commission Notice of Meeting

The Kansas Law Enforcement Training Commission will meet at 10 a.m. Wednesday, October 4, at the Kansas Law Enforcement Training Center, located 12 miles southeast of Hutchinson south of K-96 at the Hutchinson Air Base Industrial Tract (HABIT), the former Naval Air Station, or one mile west and one mile south of Yoder. The meeting is open to the public.

Tino Monaldo Chairperson

Doc. No. 016825

#### State of Kansas

#### Office of the State Treasurer

#### **Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 1994 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

#### Effective 10-2-95 through 10-8-95

Term				Rate
0-90 days				5.70%
3 months		, ,		5.32%
6 months	.4			5.55%
9 months	* .		1 - 11.	5.63%
12 months			V 1	5.63%
18 months	in and	1. 1. 1. 1.		5.75%
24 months		: 27		5.80%
36 months	·	1.1	100	5.93%
48 months	197			6.02%

Sally Thompson State Treasurer

Doc. No. 016818

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PUBLISHED BY Ron Thornburgh Secretary of State 2nd Floor, State Capitol 300 S.W. 10th Ave. Topeka, KS 66612-1594 (913) 296-2236



Register Office: Room 235-N, State Capitol (913) 296-3489

#### **Board of Accountancy**

#### **Notice of Meeting**

The Board of Accountancy will meet at 9 a.m. Friday, October 6, in Conference Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 556-S of the Landon Building.

Glenda Moore Executive Director

Doc. No. 016832

#### State of Kansas

#### Social and Rehabilitation Services

#### **Public Notice**

The hospitals listed below received disproportionate share payments in fiscal year 1996:

A.Li. J District Hospital	\$ 6,649
Ashland District Hospital Atwood—Rawlins County Hospital	5,171
Chanute—Neosho Memorial Hospital	58,323
Children's VC MO	584,450
Children's, KC, MO Children's, Omaha, NE	2,207
Coffeyville Regional Medical Center	175,659
Dighton—Lane County Hospital	2,483
Ellinwood District Hospital	4,999
Ellsworth County Hospital	2,356
Garden City—Saint Catherine's	62,316
Goodland—Northwest Kansas Medical Center	21,774
Harper—Hospital District #5	9,692
Hoxie—Sheridan County Hospital	8,364
Hugoton—Stevens County Hospital	44,645
Jetmore—Hodgeman County Hospital	72,113
Junction City—Geary County Hospital	164,188
Kansas City—Bethany Medical Center	329,131
Kansas City—Providence St. Margaret	142,403
Kansas City—Rainbow Mental Health	795,919
Kansas City—Univ. of Kansas Medical Center	1,965,108
Kiowa District Hospital	12,300
Lakin—Kearny County Hospital	12,300
Larned State Hospital	22,701,732
Leoti—Wichita County Hospital	36,219
Lyons—Hospital Dist. #1, Rice County	51,791
Manhattan—Memorial Hospital	28,825
Neodesha—Wilson County Hospital	11,268
Ness City—Ness County Dist. #2 Hospital	20,240
Newton—Prairie View	500,000
Osawatomie State Hospital	16,733,338
Pittsburg—Mt. Carmel Hospital	62,621
Ransom—Grisell Memorial Hospital	19,032
Satanta District Hospital	8,464
Smith Center—Smith County Memorial	25,076
Syracuse—Hamilton County Hospital	18,616
Topeka—Stormont Vail Hospital	384,535
Topeka State Hospital	11,026,166
Truman, KC, MO	208,042
Ulysses—Bob Wilson Memorial Hospital	231,202
Wamego City Hospital	11,261
Wichita-St. Joseph Medical Center	253,664
Wichita—Wesley	566,770

Rochelle Chronister Secretary of Social and Rehabilitation Services State of Kansas

#### Kansas Insurance Department

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, December 13, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in existing

rules and regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Thomas Wilder, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

A summary of the proposed regulations and their ec-

onomic impact follows.

K.A.R. 40-4-17. Accident and health insurance companies; record of loss experience required; form adopted by the national association of insurance commissioners; filing date. The regulation is revised to change the date when loss experience is required to be filed with the Insurance Department from June 30 to May 1 of each year. There should be no economic impact.

K.A.R. 40-4-37. Long-term care insurance; application; definitions. The proposed regulation revises the definition of "nursing facility" to include assisted living and residential health care facilities. The economic impact should not be significant to premiums being charged.

K.A.R. 40-4-37d. Long-term care insurance; benefits; medical condition; activities of daily living; definitions; requirements. It is proposed that the word "infirmity" be replaced with "functional impairment" to be consistent with K.S.A. 39-923 as amended by 1995 Senate Bill 8. There should be no economic impact.

K.A.R. 40-5-109. Same; experience reports. The regulation is revised to change the date when the credit insurance report is required to be filed with the Insurance Department from "not later than June 30 of each year" to "not later than the filing date stated on the 'NAIC Credit Insurance Experience Exhibit Form." There should be no economic impact.

Copies of the proposed regulations and the economic impact statements can be obtained by contacting the Kan-

sas Insurance Department.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance by contacting Tom Wilder at (913) 296-7807.

Kathleen Sebelius Commissioner of Insurance

Doc. No. 016843

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#### State of Kansas

## Legislature

## **Interim Committee Schedule**

The following	committee mee	etings have been	scheduled during the period of O	ctober 2 through October 15.
Date	Room	Time	Committee 12 - 12 - 12 - 12 - 12 - 12 - 12 - 12	stanie – prominský přek vodík vodík politice. Ho <b>Agenda</b> přek přek (promj 2 římne po
October 2	531-N	9:00 a.m.	Health Care Stabilization Fund Oversight Committee	Review the financial position of the fund; receive comments on 1995 SB 382; discuss the continuing role of the committee.
October 2 October 3	123-S 123-S	10:00 a.m. 9:00 a.m.	Legislative Budget Committee	Regents' budgeting and enrollment adjustments; conservation fee fund of the Kansas Corporation Commission; corrections issues, including privatization; status of lottery and racing receipts; special project positions by state agencies; KBI record checks and lab testing for local law enforcement agencies.
October 3 October 4	514-S 514-S	10:00 a.m.	Special Committee on Children and Families	3rd: Social Service Initiative, South Central Kansas; Koch Commission; Youth Authority; evaluation of services 4th: Update on community visions now; committee discussion and development of
October 5	Hays : And	10:00 a.m.	Governor's Tax Equity Task Force	Agenda not available.
October 5 October 6	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Agriculture	5th: Hearings on Proposal No. 2—Meat Inspection Program. 6th: Hearings on Proposal No.
October 9 throu	Canceled		Senate Ways and Means/ House Appropriations/Joint Committee on State Building Construction/Legislative Post Audit Committee Joint Committee on Special	1—Grain Inspection Program Biennial tour—Western Kansas.
October 10 October 11	<b>Canceled</b> 526-S 526-S	9:00 a.m. 8:30 a.m.	Claims Against the State Hospital Closure Commission	Continued discussion of mental health and mental retardation
October 11	Kaw Valley Center, Kansas City, Kansas	1:00 p.m. 9:00 a.m.	Kansas Youth Authority	
	519-S 519-S	10:00 a.m. 9:00 a.m.	C	Agenda not available
,				Emil Lutz Director of Legislative

Doc. No. 016837

Director of Legislative Administrative Services

#### Kansas State University

#### **Notice to Bidders**

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

#### Tuesday, October 10, 1995 #60020

Pentium computers

William H. Sesler Director of Purchasing

Doc. No. 016827

State of Kansas

#### Department of Transportation

#### **Notice to Consulting Engineering Firms**

The Kansas Department of Transportation is seeking qualified consultant engineering firms for the following transportation study:

#### Project: 106 K-5987-01

Emphasis will be placed on studying innovative funding possibilities, including tolling options. The study also should explore public and motor carrier acceptance of toll roads statewide, possible Intelligent Transportation System (ITS) applications and innovative financing and institutional arrangements that have been used in other states and their applicability to Kansas.

For a more detailed description of project scope, con-

tact Neil Rusch at (913) 296-2270.

Responses must be received by October 13 for the consultant engineering firm to be considered. Seven signed copies of responses must be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

From firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend a pre-proposal conference. Firms not se-

lected will be notified by letter.

The Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with firms invited to the pre-proposal conference and select one firm with which to negotiate a contract. After a contract has been awarded, the firms not selected will be notified by letter.

It is the policy of KDOT to use the following criteria as the basis for selection of consulting engineering firms:

1. Size and professional qualification.

2. Experience of staff.

3. Location of firm with respect to proposed project.

4. Work load of firm.

5. Firm's performance record.

E. Dean Carlson Secretary of Transportation State of Kansas

#### **Real Estate Commission**

# Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, November 30, in the conference room in the office of the Kansas Real Estate Commission, Suite 200, Three Townsite Plaza, 120 S.E. 6th Ave., Topeka, to consider the adop-

tion of proposed rules and regulations.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Commission, Three Townsite Plaza, Suite 200, 120 S.W. 6th Ave., Topeka, 66603-3511. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and

their economic impact follows.

K.A.R. 86-1-11. This regulation prescribes minimum curricula and standards for courses. The proposed amendments relate to the 12-hour continuing education requirement and will (1) designate the course which will qualify as the three-hour mandatory core requirement for all licensees between January 1, 1996 and January 1, 1999; (2) increase the mandatory core requirement to six hours for salespersons and to nine hours for brokers beginning January 1, 1999; and (3) extend a limitation on appraisal courses taken for continuing education credit.

The amendments do not change the number of hours required for license renewal and are not anticipated to have any significant economic impact on the commission, other governmental units, private citizens or consumers.

K.A.R. 86-2-4 (conference adjudicative hearing procedures) and K.A.R. 86-2-6 (emergency adjudicative proceedings). These regulations are proposed to be revoked. The provisions contained in the administrative procedure act are sufficient.

Revocation of the regulations will have no economic impact on the commission, other governmental units, pri-

vate citizens or consumers.

Copies of the regulations and their economic impact statements may be obtained from the Kansas Real Estate Commission, (913) 296-3411.

Jean Duncan Director

#### Department of Transportation

#### **Notice to Contractors**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, or at the Ramada Inn Airport in Wichita, until 2 p.m. October 18, and then publicly opened:

#### **District One—Northeast**

**Douglas**—C-3027-01—County road, 0.5 mile (0.8 kilometer) north of Eudora, then north, 0.2 mile (0.3 kilometer), grading, bridge and surfacing. (Federal Funds)

Johnson—7-46 N-0053-01—K-7 and Hamilton Circle in Olathe, traffic signals. (Federal Funds)

Johnson-Wyandotte—106 K-5970-01—Johnson and Wyandotte counties, mudjacking. (State Funds)

Lyon—35-56 K-5902-01—I-35, from the U.S. 50 east interchange, east to the Lyon-Coffey county line, 10.6 miles (17 kilometers), signing. (State Funds)

Osage—70 C-3292-01—County road, 1.3 miles (2.1 kilometers) north of Scranton, 0.1 mile (0.2 kilometer), grading and bridge. (Federal Funds)

Osage-Shawnee—75-106 K-5904-1—U.S. 75, from 1 mile (1.6 kilometers) south of U.S. 56, north to the U.S. 75 alternate, 9.6 miles (15.4 kilometers), signing. (State Funds)

Various counties—106 X-1922-01—Northeast Kansas and Missouri Railroad, signing. (Federal Funds)

Various counties—106 X-1923-01—Union Pacific Railroad in Brown, Atchison, Leavenworth and Wyandotte counties, signing. (Federal Funds)

Wyandotte—105 N-0005-01—42nd Street over the Atchison, Topeka and Santa Fe Railroad north of Swartz Road, 0.2 mile (0.3 kilometer), grading and surfacing. (Federal Funds)

#### District Two—Northcentral

Clay—14 K-5958-01—K-15, from the north city limits of Clay Center north to the Clay-Washington county line and K-80, from the east city limits of Morganville, east to the K-15 junction, 15.8 miles (25.3 kilometers), overlay. (State Funds)

Clay—24-14 M-1823-01—U.S. 24, 5 miles (8 kilometers) west of Clay Center, KDOT mixing strip, stockpile bituminous materials. (State Funds)

Clay—9-14 M-1824-01—K-9, 1 mile (1.6 kilometers) west of the junction of K-15, KDOT mixing strip, stockpile bituminous materials. (State Funds)

Republic—81-79 K-5696-01—U.S. 81, from the north city limits of Belleville north to the Kansas-Nebraska state line, 12.6 miles (20.3 kilometers), sealing. (State Funds)

#### District Three—Northwest

Logan-Thomas—83-106 K-5959-01—U.S. 83, from the west junction of U.S. 40, north to the Thomas-Logan county line; U.S. 83, from the Thomas-Logan county line

north to the U.S. 24 junction, 18.7 miles (30.1 kilometers), recycle and overlay. (State Funds)

Norton—36-69 K-5720-01—U.S. 36, from the Decatur-Norton county line, east to the west K-383 junction, widening, 9.4 miles (15.1 kilometers), overlay. (State Funds)

Norton—69 K-5950-01—K-383, from the east junction of U.S. 36, north and east to the Norton-Phillips county line; K-60, from the U.S. 36 junction, north to the K-383 junction; K-67, from the U.S. 36 junction north, 15.6 miles (25.1 kilometers), overlay. (State Funds)

Phillips-Smith—106 K-5953-01—U.S. 36, from the east city limits of Phillipsburg, east to the Phillips-Smith county line; K-204, from the U.S. 36 junction east to the west city limits of Smith Center; K-248, from old U.S. 36 north to U.S. 36; U.S. 36, from the Smith-Phillips county line east to 0.3 mile (0.5 kilometer) east of the east city limits of Smith Center, 32.2 miles (51.7 kilometers), sealing. (State Funds)

Rawlins—36-77 K-5722-01—U.S. 36, from Atwood east to the Decatur-Rawlins county line, 16.2 miles (26.1 kilometers), overlay. (State Funds)

Rooks—82 C-3195-01—Various locations in Rooks County, signing. (Federal Funds)

Sheridan—90 C-3090-01—County road 14 miles (22.6 kilometers) north and 5.7 miles (9.2 kilometers) east of Hoxie, then east, 0.3 mile (0.4 kilometer), grading and bridge. (Federal Funds)

Thomas—25-97 K-5734-01—K-25, from the north city limits of Colby, north to the Rawlins-Thomas county line, 11.5 miles (18.5 kilometers), overlay. (State Funds)

Various counties—106 K-5942-01—K-9, from the east junction of U.S. 283, east to the Phillips-Norton county line; K-9, from the Norton-Phillips county line east to the Phillips-Smith county line; K-9, from the Phillips-Smith county line, east to the U.S. 281 junction; K-173, from Densmore to the K-9 junction, 59.4 miles (95.6 kilometers), overlay. (State Funds)

Wallace—40-100 K-5724-01—U.S. 40, 0.3 mile (0.5 kilometer) west of the west K-27 junction, east to the Wallace-Logan county line, 15.9 miles (25.6 kilometers), overlay. (State Funds)

#### District Four-Southeast

Greenwood—57-37 K-4692-01—K-57, Long Creek drainage bridge 11.7 miles (18.8 kilometers) southeast of the Lyon-Greenwood county line, bridge replacement. (State Funds)

Linn—54 C-3152-01—County road, 5 miles (8 kilometers) west of Mound City, 0.1 mile, (0.2 kilometer), grading and bridge. (Federal Funds)

Various counties—69-106 K-5903-01—U.S. 69, various locations in Bourbon, Linn, Miami and Johnson counties, 40.1 miles (64.5 kilometers), signing. (State Funds)

#### District Five—Southcentral

Barton—4-5 M-1820-01—K-4, KDOT mixing strip located 1 mile (1.6 kilometers) north of Olmitz, stockpile bituminous materials. (State Funds)

Barton-Rush—4-106 K-5947-01—K-4, from the Rush-Barton county line east to the west junction of U.S. 281;

K-4, from the junction of U.S. 183, east to the Rush-Barton county line, 25.1 miles (40.4 kilometers), overlay. (State Funds)

Comanche—17 C-3176-01—County road, 4.8 miles (7.7 kilometers) north and 1.4 miles (2.3 kilometers) west of Coldwater, 0.2 mile (0.4 kilometer), grading and bridge.

(Federal Funds)

Cowley—166-18 K-2874-01—U.S. 166, 0.3 mile (0.5 kilometer) east of the west junction of K-15, east to the Cowley-Chautauqua county line, 10.3 miles (16.6 kilometers), grading, bridge and surfacing. (Federal Funds)

Cowley—166-18 K-3138-01—U.S. 166, just east of county route 156, east 6.4 miles (10.3 kilometers), grading,

bridge and surfacing. (State Funds)

Cowley-166-18 K-3138-02-U.S. 166, Grouse Creek,

bridge replacement. (Federal Funds)

Rush 96-83 K-4352-01—K-96, from the two-lane fourlane in Rush Center east to the Rush-Barton county line, 15 miles (24.1 kilometers), grading, bridge and surfacing. (State Funds)

Rush—4-83 K-5793-01—K-4, from the Ness-Rush county line, east 1.9 miles (3 kilometers) south of McCracken, 7.2 miles (11.6 kilometers), overlay. (State Funds)

Sedgwick—87 C-3219-01—55th Street south over Wichita Valley Center Floodway, 0.2 mile (0.4 kilometer), grading, bridge and surfacing. (Federal Funds)

#### the drage set me District Six—Southwest

Greeley 27-36 K-5710-01—K-27, from the Hamilton-Greeley county line, north to the south city limits of Tribune, 14.2 miles (22.8 kilometers), overlay. (State Funds)

Greeley—96-36 M-1816-01—K-96, KDOT mixing strip located west of Tribune, stockpile bituminous materials. (State Funds)

Hodgeman 283-42 K-5033-01 U.S. 283, Buckner Creek Bridge 21, 0.6 mile (1 kilometer) south of K-156, bridge replacement. (Federal Funds)

Seward 88 X-1915-01—Southern Pacific Railroad and Sally Road northeast of Liberal, flashing light signal. (State Funds)

Wichita—25-102 K-5711-01—K-25, from the Kearny-Wichita county line north to the south city limits of Leoti, 18.6 miles (30 kilometers), recycle and overlay. (State Funds)

Wichita 96-102 K-5715-01—K-96, from the Greeley-Wichita county line, east to the west city limits of Leoti, 10.9 miles (17.4 kilometers), overlay. (State Funds)

Wichita 25-102 M-1819-01—K-25, KDOT mixing strip located south of Leoti, stockpile bituminous materials. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

or mains of U.S. 28th

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the

KDOT district office responsible for the work.

E. Dean Carlson Secretary of Transportation

Doc. No. 016846

# State of Kansas Board of Indigents' Defense Services Notice of Hearing

The State Board of Indigents' Defense Services will conduct a public hearing at 10 a.m. Friday, October 20, in the old Supreme Court Room, third floor, State Capitol, 300 S.W. 10th Ave., Topeka, to receive written and oral testimony regarding proposed changes in the compensation schedule for appointed counsel. These changes are necessary due to an appropriation which is insufficient to pay all pending and anticipated claims during the current fiscal year. These changes are also deemed necessary to comply with the rescission order reducing all state general fund expenditures by 1.5 percent during the current fiscal year.

The board will consider alternatives to the current compensation regulations and schedules. These alternatives include prorating the hourly rates of compensation to appointed attorneys, pursuant to K.S.A. 22-4507(c). Other changes the board will consider at this and other public hearings will be to permanently reduce the hourly rate of

compensation allowed in K.A.R. 105-5-2.

This hearing is being conducted pursuant to K.A.R. 105-9-5 and will assist the board in determining the impact that a proration decision will have on the quality of representation afforded to indigent defendants and its impact on the availability of sufficient numbers of attorneys on the county and district panels. Persons wishing to provide written testimony will be asked to limit their correspondence to three typewritten letter-size pages. Written testimony should be received in the office of the director not later than Friday, October 13.

Persons wishing to provide oral testimony should contact the Director, State Board of Indigents' Defense Services, Room 304, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (913) 296-4505, not later than Friday, October 13.

Ronald E. Miles Director

## Office of Judicial Administration Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals Little Theatre, Johnson County Community College 12345 College at Quivira Overland Park, Kansas

Before Pierron, P.J.; Rulon and Green, JJ. Thursday, October 5, 1995

0.00	
9:1H1	a.m.

		Jiou uilli	and the second s
Case No.	Case Name	Attorneys	County
72,405	In the Matter of the Marriage of Norma M Kelley, Appellee, and Donald I. Kelle Appellant.	M. Sherri E. Loveland y, David J. Brown Michael E. Riling	Douglas
		10:00 a.m.	
74,068	In re Adoption of D.R.B. and L.J.B.	Robert D. Beall Michael Gibbens	Leavenwortl
72,258	State of Kansas, Appellee, v. Brian Brown, Sr., Appellant.	County Attorney Attorney General Benjamin Wood	Brown
		1:00 p.m.	
72,458	State of Kansas, Appellee, v. Richard Leroy Clark, Appellant.	District Attorney Attorney General Thomas Jacquinot	Johnson
73,308	Theresa Harris, Appellant,	Steven D. Treaster	W C Board
· .	Bethany Medical Center, Appellee.	Robert L. Kennedy	

#### Kansas Court of Appeals Courtroom 2, Second Floor, Ellis County Courthouse 1204 Fort St. Hays, Kansas

# Before Pierron, P.J.; Rulon and Green, JJ.

#### Wednesday, October 11, 1995

		9:30 a.m.			
Case No.	Case Name	Attorneys			
72,669	State of Kansas, Appellant,	County Attorney			County Saline
73,427	One 1993 Yamaha Motorcycle, Appellee. Elva M. Ray, Appellee,	Robert A. Thompson		*	
	<b>v.</b>	Ron Svaty	1		Ellsworth
	Ponca/Universal Holdings, Inc., d/b/a Classic Cable, Appellant.	David P. Troup			
		0:45 a.m.	•		
71,950	State of Kansas, Appellee, v. Daryl Boy Kingleys Appell	County Attorney Attorney General			Saline
72,912	Daryl Ray Kinslow, Appellant.	Julie Gorenc			
# 12.14 to a	State of Kansas, Appellee, v. Jerry Roland Inscho, Appellant.	County Attorney Attorney General			Saline
	, , 2. Delto, rippenant.	Edward G. Collister, Jr.	•		and the second

100 100

	1:0	0 p.m.	
72,454	State of Kansas, Appellee, v.	County Attorney Attorney General	Barton
	Christopher Hughes, Appellant.	Daniel E. Monnat	
	Summary Calenda	r—No Oral Argument	
72,801	David Heide, Appellant,	Charles J. Cavenee	Leavenworth
	David McKune, Appellee.	Linden G. Appel	
74,154	In the Interest of C.V., C.B., A.B.	Jeffrey L. Cowger Kathryn Polsley	Wyandotte
		D. Tiday District Attorney	V Comment
		Sheryl L. Litdke	And the special control of the state of the
73,757	In the Matter of B.H.	Jeffrey C. Bartron District Attorney	Shawnee
73,916	In the Matter of the Marriage of Jacqueline Kraus, Appellee, and Patrick Kraus,	Donald E. Baineam	af eye — Sedgwick
	Appellant.	Patricia A. Gilman	
72,153	Brian Carl Duede, Appellant,	Hazel Haupt	Saline
, .	<b>v.</b>	Attorney General	general design of the second
	State of Kansas, Appellee.	County Attorney	

#### Kansas Court of Appeals Courtroom 11-1, Sedgwick County Courthouse, 525 N. Main Wichita, Kansas

# Before Gernon, P.J.; Lewis, J.; and Robert G. Jones, District Judge, assigned.

# Wednesday, October 11, 1995

#### 9:00 a.m.

į – į		Attorneys		County
Case No.	Case Name			Sedgwick
72,195	In the Matter of the Marriage of Jeanette E.	Patricia A. Gilman Kiehl Rathbun		beagman
	Winslow, Appellant, and John M.	Steven R. Sublett		
	Winslow, Appellee.	Debra S. Peterson		Sedgwick
71,545	State of Kansas, Appellee,	Attorney General	*	
	Scott Patrick Cooke, Appellant.	Charles A. O'Hara		
<b>74 700</b>		Martin E. Updegraff		Sedgwick
71,739	BTW Services, Inc., Appellee,	Martin E. Opticali		
	Mike Akins, d/b/a Frontier Printing,	Herbert P. Brackeen		
	Appellant.		WEST AND	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		):45 a.m.		
FO 1/1		Debra S. Peterson	The second second	Sedgwick
72,161	State of Kansas, Appellee,	Attorney General		Ar in the same
	Reginald L. Colbert, Appellant.	Jean Gilles Phillips		
72,707	Edward Dobkins, Appellant,	Joseph L. McCarville III	That has the there ex	Reno
72,707	V.		Algeria de la respectable	¥
	Master Machine Tools, Inc., Appellee.	Wyatt M. Wright		
		:45 p.m.	الله الله الله الله الله الله الله الله	. 1 <sub></sub>
72 020	Dan Armstrong, Appellee,	James P. Johnson		W C Board
73,038	V.		and the state of the	
	City of Wichita, Appellant.	David J. Morgan	and the state of t	
72,716	Fred Fox and Leslie Fox, Appellees,	Dennis Wetta		Sedgwick
12,110	V.		Commence of the second	
	Estate of Erris McMinn, deceased,	William T. Davitt		•
)	Appellant.			(continued
,				(conti

		2:45 p.m. 12. (1995年) 1995年(4. 1996年) 1995年(2. 1995年)
72,535	State ex rel. Nola Foulston, Appellee,	Debra S. Peterson
72,672	1988 Pontiac, Appellant. Agnes McKnight, Appellant,	Sean C. McEnulty  Joel W. Riggs  Sedgwick
**	Singapore, Inc., et al., Appellees.	Thomas J. Lasater Michael E. Baker
	Summary Calen	dar—No Oral Argument
72,827	Terry Alires, Appellant, v. State of Kansas, Appellee.	Bradley Ambrosier Attorney General
73,913	In the Interest of A.L.W.	County Attorney Francis E. Meisenheimer Bradford L. Williams
	en de la companya de La companya de la co La companya de la compan	County Attorney Curtis E. Watkins Robert Eisenhauer Ryan Hodge
72,214	State of Kansas, Appellee, v.	Ryan Hodge  Melanie Morgan  Attorney General
73,320	Shane J. Smith, Appellant. In re Adoption of S.D.K., et al.	Debra S. Peterson Troy Dierking Richard A. Macias Sumner
72,924	State of Kansas, Appellee, v.	County Attorney Attorney General
74,158	Craig Ryan Shelton, Appellant.  Robert Boucher, Appellee,	Benjamin C. Wood  Kathryn P. Barnett  W C Board
	Peerless Products and Home Indemnity Company, Appellants.	Gerald L. Green John David Jurcyk
<del></del>		State of the formation of the state of the s

# Kansas Court of Appeals Division 1, Wyandotte County Courthouse 710 N. 7th, 3rd Floor Kansas City, Kansas

# Before Royse, P.J.; Elliott, J.; and Timothy E. Brazil, District Judge, assigned.

#### Wednesday, October 11, 1995

#### 9:00 a.m.

		2.00 a.m.	· · ·	•
Case No.	Case Name	Attorneys	· · · · · · · · · · · · · · · · · · ·	to di Country
73,761	Gary Lee McColpin, Appellant,	Charles J. Cavenee	The Alexander of Marie	Leavenworth
	David McKune, et al., Appellees.	Gary Lee McColpin	n, pro sei ja ja vandangaja kamanasa Congres	* 1
73,384	Lawrence Paper Co., Appellant,	Bill J. Hays		Douglas
•	City of Lawrence, Appellee.	William H. Colby John M. Cooley		True Mai 31675
	•	10:30 a.m.		S. CHES CARES MAN
72,714	State of Kansas, Appellee, v.	District Attorney Attorney General	Service of	Wyandotte
	Michael A. Blackmore, Appellant.	Mary Prewitt		
71,805	State of Kansas, Appellee,	District Attorney Attorney General		Wyandotte
×	Arthur Earl Grice, Appellant.	Stephen Moss		*

73,854	George Ray Thomas, Appellant,	C. Bruce Works	· .	W C Board
	v. Midwest Insulation Contractors and	Ronald J. Laskowski		
	United States Fidelity and Guaranty Co., Appellees.			
3.	1:	30 p.m.		
73,753	In the Matter of the Marriage of Beverly S. Cornelius, Appellee, and Wayne D. Cornelius, Appellant.	Nancy Freund Jennifer Harris Stephen J. Ternes	•	Shawnee
72,340	Stephen R. Hiebsch, Appellee,	Pantaleon Florez Jr.		Shawnee
	v. Department of Social and Rehabilitation Services, Appellant.	Linda Jane Kelly		
	2:	30 p.m.		***
73,717	Carole L. Stuart, Appellee,	Margaret Pemberton Jeffrey K. Cooper		W C Board
	Douglas County and Kansas Attorney General and State Self Insurance Fund,			
*	Appellants.			Johnson
71,278 72,401	State of Kansas, Appellee, v.	District Attorney Attorney General		Johnson
	Anthony D. Ward, Appellant.	Hazel Haupt		<b>*</b>
	Summary Calend	ar—No Oral Argument	•	Comment
74,040	State of Kansas, Appellant, v.	County Attorney Attorney General		Sumner
· ,	Joseph L. Hopper, Appellee.	John A. Potucek II		
74,170	Vernon J. Amos, Appellant,	Julie Riddle		Butler
	Michael Nelson, et al., Appellee.	Steven C. Sherwood		
73,355	In the Interest of C.L.L.	Michael S. Boohar Kevin V. Rider		Sedgwick
		Thomas C. McDowell		
		Debra S. Peterson Larry Bachcura	e d	
73,357	Kenneth E. Shaw, Appellant,	Julie Riddle		Butler
	v. Michael Nelson, et al., Appellees.	Russell L. Mills		
71,978	State of Kansas, Appellee,	County Attorney Attorney General		Lane
	Tony Perez, Appellant.	Mary Prewitt		Labette
73,128	State of Kansas, Appellee, v.	County Attorney Attorney General	,	Lavette
	Shane Gwartney, Appellant.	David K. Markham		Carol G. Green
			Clerk of the A	Carol G. Green Appellate Court

#### **Board of Technical Professions**

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 3 p.m. Friday, December 15, in Room 108-N of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed permanent rules and regulations of the Board of Technical Professions.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Board of Technical Professions, Suite 507, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The following is a brief summary of the substance of

the proposed regulations:

#### Article 6.—PROFESSIONAL PRACTICE

K.A.R. 66-6-6. Renewal of licenses and certificates of authorization. This regulation has been modified to clarify that certificate of authorizations renew in evennumbered years.

#### Article 7.—APPLICATIONS

K.A.R. 66-7-3. Denial of initial application for license. This regulation is being amended to strike the phrase "including but not limited to," and is adding at the end of the regulation language that allows for consideration of other factors that the board believes may be relevant to the issuance of an initial license. The language also is being revised to limit the statutes, rules and regulations to those under the jurisdiction of the Board of Technical Professions, rather than the general statutes, rules and regulations of the state of Kansas.

#### **Article 8.—EXAMINATIONS**

K.A.R. 66-8-1. Proctoring of examinations. The residency requirement for original license application has been deleted.

#### **Article 10.—EXPERIENCE**

K.A.R. 66-10-1. Architectural experience of a character satisfactory to the board. The adoption of a document by reference has been updated to the current version of the publication.

#### Article 12.—MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING

K.A.R. 66-12-1. Minimum standards for the practice of land surveying. The language pertaining to a "work order" form has been deleted.

Other various changes that are grammatical, appropriate to format, or updated to the most current form of the statute have been made.

There is no fiscal impact as a result of adoption of the

above regulations

Any individual with a disability may request accommodation in order to participate in the hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Betty Rose at (913) 296-3053.

Copies of the full text of the regulations and the fiscal impact may be obtained by contacting the Board of Technical Professions.

> Betty L. Rose **Executive Director**

Doc. No. 016835

State of Kansas

#### Department of Administration Division of Architectural Services

#### Notice of Commencement of **Negotiations for Engineering Services**

Notice is hereby given of the commencement of negotiations for engineering services for the design of and construction administration services for a new chiller at the University of Kansas, Lawrence, to replace the existing 725-ton single-stage absorption machine located on the south side of the chiller building. The chiller supplies chilled water for Flint, Wescoe and Malott Halls; the Dole Human Development Center will be added in the future and be bid as an alternate. A new 1,000-ton steam powered two-stage absorption machine is preferred. Services will include verification of the size and adequacy of the existing electrical, steam and condensate return services; condenser water service (including cooling towers); and chilled water system. The new chiller will be connected to the campus-wide control system. The construction budget is \$478,575. A copy of the complete scope of services can be obtained from Gary Grimes at the address below.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be sub-

mitted to Gary Grimes by 5 p.m. October 13.

Thaine Hoffman, AIA Director, Division of Architectural Services

State of Kansas and mark hard box of the control

#### Department of Administration Division of Architectural Services

#### Notice of Commencement of Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for review and design services for the upgrade and replacement of the existing fire alarm system at the Bell Building at the University of Kansas Medical Center, Kansas City, Kansas. Presently, an analysis of the existing deficiencies and estimated costs for the upgrade and replacement are the only services required. Design services may be required at a later date.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be sub-

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Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 016829

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# Department of Health and Environment

#### Request for Proposals

The Kansas Department of Health and Environment, in cooperation with the federal Centers for Disease Control and Prevention, has available grants and is requesting proposals from eligible community-based, community service organizations to develop and implement HIV/ AIDS education activities targeting Hispanics at risk for HIV infection and living in Wyandotte County. Each qualified organization may submit one proposal. One award of up to \$16,000 will be made for the period January 1 through June 30, 1996. Release of funds is contingent upon the availability of federal funds and on budget approvals of the Kansas Legislature. The project period may be extended an additional 12 months contingent upon success of the grantee in meeting contract objectives for the first six-month period and availability of funding.

To receive a copy of an application packet, call Sally Finney Brazier, M.Ed., at (913) 296-6173, or write to the Kansas Department of Health and Environment, AIDS Section, 109 S.W. 9th, Suite 605, Topeka, 66612-1271, Attn: RFP. Applications must be postmarked on or before Oc-

tober 31.

Tames I. O'Connell Secretary of Health and Environment State of Kansas

#### University of Kansas

#### **Notice to Bidders**

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

> Tuesday, October 10, 1995 RFO 96-6018-R2

High-capacity tangential filtration system

RFO 96-6197

Floor scrubber, burnisher, vacuum cleaner, carpet extractor

RFO 96-6208

Scannable testing forms

Gene Puckett, C.P.M. Director of Purchasing

Doc. No. 016826

State of Kansas

# Department of Health and Environment

#### Request for Proposals

The Kansas Department of Health and Environment, in cooperation with the federal Centers for Disease Control and Prevention, has available grants and is requesting proposals from eligible community-based, community service organizations to develop and implement HIV/ AIDS education activities targeting substance users and injection drug users in Shawnee, Sedgwick and Wyandotte counties. Each qualified organization may submit one proposal. Three awards of up to \$15,000 each will be made for the period January 1 through June 30, 1996. Release of funds is contingent upon the availability of federal funds and on budget approvals of the Kansas Legislature. The project period may be extended an additional 12 months contingent upon success of the grantee in meeting contract objectives for the first sixmonth period and availability of funding.

To receive a copy of an application packet, call Sally Finney Brazier, M.Ed., at (913) 296-6173, or write to the Kansas Department of Health and Environment, AIDS Section, 109 S.W. 9th, Suite 605, Topeka, 66612-1271, Attn: RFP. Applications must be postmarked on or before Oc-

tober 31.

Iames I. O'Connell Secretary of Health and Environment

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Doc. No. 016822

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# Department of Health and Environment

#### Request for Proposals

The Kansas Department of Health and Environment, in cooperation with the federal Centers for Disease Control and Prevention, has available grants and is requesting proposals from eligible community-based, community service organizations to develop and implement HIV/ AIDS education activities targeting Blacks/African Americans at risk for HIV infection and living in Shawnee and Sedgwick counties. Each qualified organization may submit one proposal. Two awards of up to \$24,000 each will be made for the period January 1 through June 30, 1996. Release of funds is contingent upon the availability of federal funds and on budget approvals of the Kansas Legislature. The project period may be extended an additional 12 months contingent upon success of the grantee in meeting contract objectives for the first six-month period and availability of funding

To receive a copy of an application packet, call Sally Finney Brazier, M.Ed., at (913) 296-6173, or write to the Kansas Department of Health and Environment, AIDS Section, 109 S.W. 9th, Suite 605, Topeka, 66612-1271, Attn: RFP. Applications must be postmarked on or before October 31.

James J. O'Connell Secretary of Health and Environment

Doc. No. 016821

State of Kansas

# Department of Administration Division of Purchases

#### **Notice to Bidders**

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

#### Tuesday, October 10, 1995

31374

University of Kansas Medical Center—Natural gas services

31386

El Dorado Correctional Facility—Dishwashing supplies

31387

Kansas Correctional Industries—Nitration grade xylene

31388

Department of Wildlife and Parks—Concrete rip rap 31389

Kansas Correctional Industries—Dispersant and surfactant

02652

Department of Health and Environment—Printed banners

#### Wednesday, October 11, 1995

31385

Norton Correctional Facility—Noncarbonated beverages, central unit and east unit

02655

Kansas State University—Visual presenter

02668

Larned State Hospital—Furnish all labor and materials for asbestos removal

#### Thursday, October 12, 1995

31384

University of Kansas Medical Center—Letterpress services

02653

Kansas Correctional Industries—Denim, Hutchinson **02656** 

Wichita State University—Furnish and install motion analysis system

#### Friday, October 13, 1995

02657

Kansas State University—Unix color workstations
02659

Department of Wildlife and Parks—Trailer mounted water pump, Pleasanton

02660

Department of Human Resources—Kiosk information system

02663

Kansas Department of Agriculture—Autoclave upgrade

02664

University of Kansas Medical Center—Surgical laser system

Tuesday, October 17, 1995

A-7707, A-7709

Topeka State Hospital—Raze various buildings
A-7793

University of Kansas—Remodel Room 4011, Malott Hall

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#### Request for Proposals Monday, October 23, 1995

31381

Paymaster services for the Department of Human Resources, Topeka

John T. Houlihan Director of Purchases

#### Historic Sites Board of Review

#### **Public Notice**

The Northrup House, 318 East St., Iola, Allen County, will be added to the Historic Sites Board of Review agenda for consideration to the National Register of Historic Places at the board's next meeting, 9 a.m. Saturday, October 14, at the Kansas Museum of History, 6425 S.W. 6th Ave., Topeka.

Ramon Powers Executive Director

Doc. No. 016838

#### State of Kansas

# Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Farmland Industries, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install and operate four diesel engines. Emissions of oxides of nitrogen, carbon monoxide and oxides of sulfur were evaluated during the permit review process.

Farmland Industries, Inc., Kansas City, Missouri, owns and operates the stationary source located at 1608 N. 1400 Road, Lawrence, at which the four diesel engines are to

be installed and operated.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE northeast district office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Art Hofmeister, (913) 296-0910, at the KDHE central office, or Pat Simpson, (913) 842-4600, at the KDHE northeast district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Art Hofmeister, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business October 30 in order to be considered in formulating

a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business October 30 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell Secretary of Health and Environment

#### **State of Kansas**

#### Kansas Commission on Governmental Standards and Conduct

#### Advisory Opinion No. 95-17

Written September 14, 1995, to Rex Sharp, Liberal City Attorney.

This opinion is in response to your letter of August 3, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local conflict of interest laws (K.S.A. 74-4301 et seq.). We note at the outset that the commission's jurisdiction concerning your questions is limited to the application of K.S.A. 75-4301 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

#### **Factual Statement**

We understand you request this opinion in your capacity as city attorney for the City of Liberal, Kansas. First, you advise us that a city commissioner wants to be the attorney for the local housing authority. The board members for the local housing authority are appointed by members of the city commission, and the authority submits a financial report to the commission.

Secondly, you have been approached as a possible appointee to the city planning commission. You are concerned about any conflicts between your position as city attorney and the position of planning commissioner.

Finally, you advise us Seward County is contemplating buying land to build a new jail/law enforcement center. The mayor of Liberal is a realtor who has an option to purchase some of the land that the county is considering buying in the event that the sales tax used to finance the center is passed by the voters. The county has informed the city commission that it intends to go forward with the project, but has asked the commission for its community support of the project, as well as its financial commitment to lease some of the new building for city business.

#### Questions

Based on the factual situations you have described, you ask us the following questions:

- 1. Is it permissible for a city commissioner to also be the attorney for the local housing authority?
- 2. Is it permissible for the city attorney to serve on the city planning commission?
- 3. Is it a conflict of interest for the mayor to participate in a lease agreement between the city and county for building space on land sold to the county by the mayor?

Opinion

K.S.A. 75-4301a and K.S.A. 75-4304 apply to your questions.

K.S.A. 75-4301a(a) and (b) state:

"Substantial interest" means any of the following: (1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or

(continued)

- 5% of any business, whichever is less, the individual has a substantial interest in that business.
- (2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (3) If an individual or an individual's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501 (c) (3), (4), (6), (7), (8), (10), or (19) of chapter 26 of the United States code, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.
- (5) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

As used in this subsection, "client or customer" means a business or combination of businesses.

(b) "Business" means any corporation, association, partnership, proprietorship, trust, joint venture, and every other business interest, including ownership or use of land for income.

#### K.S.A. 75-4304 states:

- (a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- (b) No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- (c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.
- (d) This section shall not apply to the following:
- Contracts let after competitive bidding has been advertised for by published notice; and
- (2) contracts for property or services for which the price or rate is fixed by law.
- (e) Any local governmental officer or employee who is convicted of violating this section shall forfeit the office or employment.

For the prohibitions found in K.S.A. 75-4304 to apply, a "substantial interest" must be held in a "person" or "business." This commission has consistently held that since the local level conflict of interest laws do not define the term "person," and the definition of "business" does not include local subdivisions of government, a "substantial interest" cannot be held in a local subdivision of government.

In answer to your first question, since the city commission and the local housing authority are both local subdivisions of government, the city commissioner would not hold a "substantial interest" in either entity. Therefore, it would not be a violation of the local conflict of interest laws for the commissioner to act as attorney for

the housing authority.

Your second question can be answered by using the same analysis. Since both the City of Liberal and the city planning commission are local subdivisions of government, a "substantial interest" would not be held in either entity. Therefore, it would not be a violation of the local conflict of interest laws for you to act as city attorney and

be a member of the city planning commission.

Turning to your third question, the issue becomes whether holding an option to purchase land constitutes the holding of a "substantial interest", in that land. In Kansas Commission on Governmental Standards and Conduct Opinion No. 91-36, the commission opined that holding a stock option was an "equitable interest" and therefore met the definition of "substantial interest." We believe that holding an option to purchase land is also an "equitable interest" and therefore meets the statutory definition for holding a "substantial interest" (K.S.A. 75-4301a(a)).

Therefore, if the mayor were to exercise his option and later sell the land to the city, he would have to abstain from voting on the contract (K.S.A. 75-4304(c)). However, under the situation you describe, the purchase of land agreement exists between the mayor, as a private individual, and the county. A lease agreement would then be entered into between the city and the county. Thus, the mayor never participates as part of his official duties in a

contract between the city and himself.

While this situation is legally permissible, the commission finds troubling the appearance of impropriety that this situation creates. We suggest the mayor consider this appearance before making any decisions affecting the

property in question.

In closing, we note that if the state level conflict of interest laws, K.S.A. 46-215 et seq., applied to your first two questions, different outcomes would have been reached since both the definition of "business" and the definition of "person" in the state level laws include local subdivisions of government (see K.S.A. 46-223 and K.S.A. 46-230).

Diane Gaede Chair

(Published in the Kansas Register September 28, 1995.)

#### Summary Notice of Bond Sale City of Lawrence, Kansas

\$1,375,000 General Obligation Temporary Notes Series 1995-B (Non-AMT) \$190,000
General Obligation
Temporary Notes
Series 1995-C
(Subject to Alternative
Minimum Tax)

\$2,445,000 General Obligation Sales Tax Bonds Series R 1995 \$295,000 General Obligation Bonds Series S 1995

(General obligations payable from unlimited ad valorem taxes)

#### Sealed Bids

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the city clerk of the City of Lawrence, Kansas, on behalf of the governing body at City Hall, 6 E. 6th, Lawrence, KS 66044, until 11 a.m. local time on Tuesday, October 10, 1995, for the purchase of \$1,375,000 principal amount of temporary notes, Series 1995-B, and \$190,000 principal amount of temporary notes, Series 1995-C (the Series B Notes and Series C Notes being collectively referred to as the "notes"); and \$2,445,000 General Obligation Sales Tax Bonds, Series R 1995, and \$295,000 General Obligation Bonds, Series S 1995 (the Series R Bonds and the Series S Bonds being collectively referred to as the "bonds"). No bid of less than the entire par value of a series of the bonds or notes, as applicable, and accrued interest to the date of delivery will be considered.

#### **Note Details**

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated October 1, 1995, will become due on October 1, 1996. The notes will bear interest from the dated date at rates to be determined when the notes are sold, and interest will be payable semiannually on April 1, 1996 and October 1, 1996 (or earlier redemption date). The Lawrence City Treasurer will be the paying agent and note registrar for the notes.

#### **Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 1995, and will become due on September 1 in the years as follows:

Series R 1995		Series S 1995	
Year	Principal Amount	Year	Principal Amount
1996	\$280,000	1996	\$30,000
1997	185,000	1997	30,000
1998	200,000	1998	30,000
1999	215,000	1999	30,000

2000	225,000	2000	30,000
2001	240,000	2001	30,000
2002	255,000	2002	30,000
2003	270,000	2003	25,000
2004	280,000	2004	30,000
2005	295,000	2005	30,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1996. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar for the bonds.

**Good Faith Deposit** 

Each bid for a series of the bonds shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of 2 percent of the principal amount of such series of the bonds. Each bid for a series of the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of such series of the notes.

Delivery

The city will pay for printing the bonds and the preparation of the notes and will deliver the bonds properly prepared, executed and registered without cost to the successful bidder on or before October 26, 1995, at such bank or trust company in the United States of America as may be specified by the successful bidder. The city will deliver the notes in book-entry form only to the Depository Trust Company, New York, New York.

#### **Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$366,123,512. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds and notes being sold but excluding the temporary notes to be retired with the proceeds of the bonds and notes being sold or other funds of the city to be applied for such purpose, is \$29,720,000.

Approval of Bonds

The bonds and notes will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds/notes will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds/notes are delivered

#### **Additional Information**

Additional information regarding the bonds and notes may be obtained from the city clerk or the city's director of finance, (913) 832-3214; or from bond counsel, Gilmore & Bell, P.C., 700 W. 47th, Suite 400, Kansas City, MO 64112, (816) 931-7500.

City of Lawrence, Kansas By Raymond J. Hummert Lawrence City Clerk Lawrence City Hall 6 E. 6th Lawrence, KS 66044 (913) 832-3000

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1 830 F. (Published in the Kansas Register, September 28, 1995,)

Notice of Call for Redemption to the Registered Owners of City of Ashland, Kansas Electric Utility System Revenue Bonds Series 1986, Dated October 1, 1986

Notice is hereby given that pursuant to the provisions of Section 6 of Ordinance No. 475 of the City of Ashland, Kansas (the issuer), the above mentioned bonds maturing November 1, 1996, and thereafter (the called bonds), have been called for redemption and payment on November 1, 1995 (the redemption date), at the principal office of the Kansas State Treasurer, Topeka, Kansas (the bond registrar and paying agent).

Maturity	Principal	Interest
Date	Amount	Rate
11-1-96	\$50,000	7.60%
11-I-97	55,000	7.75%
11-1-98	60,000	8.00%
11-1-99	65,000	8.10%
11-1-00	70,000	8.20%
11-1/01	75,000	8.25%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such called bond, the redemption price thereof equal of 102 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

City of Ashland, Kansas By Kansas State Treasurer Topeka, Kansas as Paying Agent

Doc. No. 016841

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> **Summary Notice of Bond Sale** \$112,000 City of Colwich, Kansas General Obligation Bonds, Series 1995

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed bids

Subject to the notice of bond sale dated September 28, 1995, sealed bids will be received by the city clerk of Colwich, Kansas (the issuer), on behalf of the governing body at City Hall, 310 S. 2nd, P.O. Box 158, Colwich, KS 67030, until 7:30 p.m. C.D.T. on October 10, 1995, for the purchase of \$112,000 principal amount of General Obligation Bonds, Series 1995. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

#### **Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,000. The bonds will be dated October 1, 1995, and will become due on October 1 in the years as follows:

Year	Principal Amount
1997	\$ 7,000
1998 13 Abril 1994 19	10,000
1999	10,000
2000	10,000
2001	15,000
2002	15,000
2003	15,000
2004	15,000
2005	15,000

. The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1997.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$2,240 (2 percent of the principal amount of the bonds).

**Delivery** 

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before October 25, 1995, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1995 is \$6,651,511. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$119,000.

**Approval of Bonds** 

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### **Additional Information**

Additional information regarding the bonds may be obtained from the city clerk or the financial advisor, Ranson Capital Corporation, Wichita, Kansas, Attention: Scott Schumacher.

Dated September 28, 1995.

City of Colwich, Kansas

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(Published in the Kansas Register September 28, 1995.)

Summary Notice of Bond Sale City of Garden City, Kansas \$770,000

**General Obligation Bonds, Series 1995** 

(General obligation bonds payable from unlimited ad valorem taxes)

#### Sealed bids

As described in the city's notice of bond sale dated September 12, 1995, sealed bids will be received by the city clerk of Garden City, Kansas, on behalf of the governing body at City Hall, 301 N. 8th, Garden City, KS 67846, until 11 a.m. C.D.T. on Tuesday, October 10, 1995, for the purchase of \$770,000 principal amount of General Obligation Bonds, Series 1995. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

#### **Bond Details**

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The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated November 1, 1995, and will become due on November 1 in the years as follows:

Maturity November 1	Principal Amount
1996	\$55,000
1997	\$65,000
. 1998	\$65,000
1999	\$70,000
2000	\$75,000
2001	\$80,000
2002	\$85,000
2003	\$90,000
2004	\$90,000
2005	\$95,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1996.

#### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

#### **Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$15,400 (2 percent of the principal amount of the bonds).

#### Delivery

The city will pay for printing the bonds and will deliver the bonds properly prepared, executed and registered without cost to the successful bidder on or before November 15, 1995, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

#### **Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$93,497,496. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$13,880,000.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan, Riley, Carson & Kaup, L.C., bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### **Additional Information**

Additional information regarding the bonds may be obtained from the city clerk or the city finance director, Melinda Hitz, (316) 276-1234; from the city's financial advisor, Chuck Boully, George K. Baum & Co., 100 N. Main, Suite 810, Wichita, KS 67202, (316) 264-9351; or from bond counsel, Logan, Riley, Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated September 12, 1995.

City of Garden City, Kansas By Jean Solze City Hall 301 N. 8th Garden City, KS 67846 (316) 276-1100

Doc. No. 016828

#### State of Kansas

#### Social and Rehabilitation Services

# Permanent Administrative Regulations

#### Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-101.** Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. A monetary standard addresses the costs of day-to-day expenses and certain special expenditures. (a) Basic standard. The basic standards shall be those set forth below. The basic standards include \$18.00 per person as an energy supplement.

#### PERSONS IN PLAN

1	2	3	4	
\$132.00	\$217.00	\$294.00	\$362.00	

For each additional person, add \$61.00.

(b) Shelter standard. A standard has been established for shelter based on location in the state. The county shelter standards shall be those set forth below.

Standard.		Group I \$92.00	
	Allen	Gove	Norton
	Anderson	Graham	Osborne
ž.	Atchison	Grant	Ottawa
	Barber	Greeley	Phillips
	Barton	Greenwood	Pottawatomie
	Bourbon	Hamilton	Pratt
	Brown	Harper	Rawlins

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	Chase	Haskell'	W.Danidella
	Chautauqua	Hodgeman	Republic Rooks
	Cherokee	Tackson	Rush
	Cheyenne	Jewell	
Land Laboration	Clark	Kearny	Russell Saline
	Clay		Scott
	Cloud	Kingman Labette	Sheridan
2 T	Coffey	Labette	
	Comanche	Lincoln 6 300	Smith
	Cowley	Linn	Stafford
- 1.	Crawford	1.21 Pet 1 Pet 1	Stanton
.*		Logan	Stevens
	Decatur		Sumner
	Dickinson	Marion	Thomas
	Doniphan	Marshall	Trego
F	Edwards	Meade	Wabaunsee
	Elk	Mitchell	Wallace
	Ellis	Montgomery	Washington
	Ellsworth	Morris	Wichita
	Finney	Nemaha	Wilson
	Ford	Neosho	Woodson
	Geary	Ness	ing Australian (Australia) Ing Australian (Australia)
Standard.	Group II \$97.00	Group III \$109.00	Group IV
	Franklin	Butler	\$135.00
	Gray	Jefferson	Douglas
	Kiowa	Leavenworth	Harvey Johnson
	Morton	McPherson	Jornison
·	Pawnee	Miami	in de la companya de La companya de la co
	Seward		
	Sherman	Osage	Para transfer
•	Sucillian	Reno	estable per consider
		Rice	ant of looking in
100	at the property	Riley	en gewennen in der
		Sedgwick	in the state of th
		Shawnee	in a second seco
		Wyandotte	

(Authorized by K.S.A. 1994 Supp. 39-708c, as amended by L. 1995, Chapter 153, Section 1, implementing K.S.A. 1994 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-19, July 1, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended, T-30-5-1-90, May 1, 1990; amended, T-30-8-28-90, Aug. 30, 1990; amended, T-30-12-28-90, Dec. 28, 1990; amended April 1, 1991; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Oct. 13, 1995.)

**Rochelle Chronister** Secretary of Social and Rehabilitation Services

Doc. No. 016835

(Published in the Kansas Register September 28, 1995.)

Notice of Call for Redemption to the Owners of City of Humboldt, Kansas **Industrial Revenue Bonds** (Pinecrest, Inc.—Tenant) \$500,000—Series A, 1980 eutgerit in dese

Notice is hereby given that pursuant to the provisions of Ordinance No. 1089 adopted November 21, 1980, of the City of Humboldt, Kansas (the issuer), the above mentioned bonds maturing November 1, 2001, and thereafter (the called bonds) have been called for redemption in full and the \$295,000 outstanding principal amount thereof shall be redeemed on November 1, 1995 (the redemption date), at the principal corporate trust office of the Southwest National Bank of Wichita, 400 E. Douglas, P.O. Box 1401, Wichita, KS 67201 (the paying agent). The called bonds with CUSIP No. 440885-XX4 are further described as follows:

Bond Numbers	Maturity Date	Principal Amount	Interest Rate	Premium
40, 42, 53, 67, 80, 98	11/1/01	\$ 30,000		a water to the
26-38, 44-52, 54-65, 68-79, 81-96	11/1/01	\$265,000	11,00%	an <b>3%</b> of Ma Hara

On such redemption date, provided that funds are on hand to pay the above described Series A, 1980 Bonds as aforesaid, there shall become due and payable, upon the presentation and surrender of each such bond, the redemption price thereof equal to 100 percent of the principal amount of each bond numbered 40, 42, 53, 67, 80 and 98, and the redemption price thereof equal to 103 percent on each bond numbered 26, 27, 29, 31, 32, 34, 35, 36, 37, 38, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 68, 69, 71, 72, 73, 74, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 95 and 96, together with interest accrued to the redemption date.

Interest shall cease to accrue on the bonds so called for

redemption from and after November 1, 1995.

In the event such funds are not on deposit with the trustee, the trustee shall notify owners of the bonds numbered 26, 27, 29, 31, 32, 34, 35, 36, 37, 38, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 68, 69, 71, 72, 73, 74, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 95 and 96 that the redemption described in the notice has been cancelled.

Neither the city nor the paying agent shall be responsible for the selection or use of the CUSIP identification number shown above or printed on any of the Series A, 1980 Bonds. Said CUSIP identification numbers are included solely for the convenience of the owners of the Series A, 1980 Bonds.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of

the bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

The Southwest National Bank of Wichita Paying Agent **使物的原则数据的原则数** P.O. Box 1401 "鹳"在外色点。 网络野科 400 E. Douglas Wichita, KS 67201

# State of Kansas

#### Laws of Health Department of Health restriction of cand Environment

# Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

#### Public Notice No. KS-AG-95-146/152

Name and Address Legal	Receiving	
of Applicant San Description	Water	
Greg Wolf NE/4, Sec. 31,	Solomon River	
Route 1, Box 70 T11S, R2W,	Basin	,
Bennington, KS 67422 Ottawa County	*,	

Federal Permit No. KS-0091979 Kansas Permit No. A-SOOT-C004

The feedlot has capacity for approximately 3,750 cattle and a contributing drainage area of approximately 54.4 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 23.5 acre-feet.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 3.0 acre inch per year and solids shall be applied at not greater than 20 ton per acre.

Dewatering equipment shall be obtained within two months after is-suance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 915 gallons per minute and dispersing the wastewater over 37 acres of land suitable for waste application. Written verification of the acquisition of the quipment shall be submitted to the department.

equipment shan be submitted to the department	
Name and Address	Receiving
of Applicant Description	Water
Leasure Prairie Farms, Inc. NE/4, Sec. 21,	Marais des
Ron Sergent T20S, R23E,	Cygnes
Route 2, Box 127 Linn County	River Basin
LaCygne, KS,66040	

Kansas Permit No. A-MCLN-S012

The existing facility has the capacity for approximately 725 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum require-

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Hughes Hog Farm	NW/4, Sec. 25,	Neosho River
Jack Hughes	T30S, R18E,	
Route 1, Box 54 Galesburg, KS 66740	Neosho County	in the second
Galesburg, KS 66740	The second secon	***

Kansas Permit No. A-NENO-S022

The existing facility has the capacity for approximately 450 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Alan Sharp	SE/4, Sec. 29,	Verdigris
Route 1, Box 139	T27S, R15E,	River Basin
Buffalo KS 66717	Wilson County	

Kansas Permit No. A-VEWL-S027.

The existing facility has the capacity for approximately 600 head (240 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirereligious como la villa bissa

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit

	4 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Name and Address - Legal	Receiving
of Applicant Description	Water
Knapp Farms NE/4, Sec. 3,	Neosho River
James Knapp T25S, R15E,	Basin
Yates Center, KS 66783	Lopareros 1881

Kansas Permit No. A-NEWO-S002 White Later Dispersion (2014)

The existing facility has capacity for approximately 300 head (120 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum require-

(continued)

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Wayne McCall	NE/4, Sec. 36,	Marais des
Route 2, Box 13	T24S, R20E,	Cygnes River
Moran, KS 66755	Allen County	Basin
V D (131 4 3 604		

Kansas Permit No. A-MCAL-S004

The existing facility has the capacity for approximately 525 (210 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lee Bracken	NW/4, Sec. 21,	Verdigris River
Route 3, Box 131	T29S, R14E,	Basin
Fredonia, KS 66736	Wilson County	

Kansas Permit No. A-VEWL-S019

The existing facility has the capacity for approximately 800 head (320 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

#### Public Notice No. KS-95-79/82

Fublic No	ouce No. V2-A2-	/9/82
Name and Address of Applicant	Waterway	Type of Discharge
J. H. Shears, Inc. P.O. Box 1605 Hutchinson, KS 66504-1605	Saline River via Bullfoot Creek	Quarry dewatering and stormwater runoff

Location: Quartzite Stone Co.—Lincoln (Mulloy) Quarry

Kansas Permit No. I-SA07-PO02 Fed. Permit No. KS-0091332

Facility Description: This is a limestone quarrying and crushing operation with no washing. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

7		
Name and Address of Applicant	Waterway	Type of Discharge
Clemens Coal Co. P.O. Box 299 Pittsburg, KS 66762	Dry Wood Creek via Cox Creek via unnamed tributary	Stormwater runoff and min dewatering

Location: Mine No. 22—Sections 27-29 and 32-34, T27S, R25E, Crawford County

Kansas Permit No. I-MC27-PO02

Fed. Permit No. KS-0079472

Facility Description: Stormwater runoff and active and post-mining strip pit dewatering flows are directed to sedimentation ponds for treatment prior to discharge. The coal preparation plant pond is designed to be nonoverflowing. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f) and federal surface water criteria, and are technology based.

At a surface water cr	`	,,
Name and Address of Applicant		Type of
		Discharge
The Trading Post	Kansas River via	Treated domestic
Carol Nelson	Soldier via Little	wastewater
13210 182nd Road	Soldier via Big Elm	
Mayetta, KS 66509	Creek via unnamed tributary	

Kansas Permit No. C-KS40-OO01

Fed. Permit No. KS-0091740

Facility Description: This is a new three-cell stabilization pond for a convenience store/restaurant. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f) and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Monarch Cement Co. P.O. Box 10000 South Old Highway 169 Humboldt, KS 66748	Neosho River via Coal Creek via Coal Creek impoundment via unnamed tributary	Treated domestic and process wastewater and stormwater

Kansas Permit No. I-NE36-PO01

Fed. Permit No. KS-0000701

Facility Description: This facility manufactures Portland cement. Limestone and shale quarries are contiguous to the facility and included in this permit. All cooling water and domestic wastes from the cement plant are directed to an emergency storage pond, which overflows to the Coal Creek impoundment. Water from this impoundment is used for plant operations. Effluent from a scrubber and domestic wastes from the shale plant discharge to a concrete settling basin which drains into the main limestone quarry contiguous to the facility. This waste stream flows across the quarry bottom in a drainage ditch to an impoundment contained within the quarry. This impoundment is regularly dewatered to the Neosho River via an earthen ditch, or the emergency storage pond or the Coal Creek impoundment. Dewatering operations occur at the quarries. No washing of the rock or aggregate is conducted. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

#### Public Notice No. KS-ND-95-57/62

Name and Address of Applicant	Waterway	Type of Discharge
Renwick U.S.D. 267	NE/4, S5,	Nonoverflowing
c/o St. Mark's Elementary	T27S, R2W.	
P.O. Box 68	Sedgwick County	Carlor State
Andale, KS 67001	9	

Kansas Permit No. M-AR03-NO02

Facility Description: The permit is for expansion of the current singlecell lagoon to a two-cell nonoverflowing lagoon system with a design flow of 11,350 gpd. Only domestic waste is directed to this facility. Final disposal of the wastewater is by percolation and evaporation.

Name and Address of Applicant	Waterway	Type of Discharge
Whispering Pines Trailer	SE/4, S36,	Nonoverflowing
Court	T23S, R7E,	· · · · · · · · · · · · · · · · · · ·
Raymond I. Kaufman	Reno Country	

Raymond L. Kaulman Re Route 1

Hutchinson, KS 67501

Kansas Permit No. C-AR94-NO02

Facility Description: The permit is for a new single-cell nonoverflowing lagoon with a design flow of 850 gpd. Only domestic waste is directed to this facility. Final disposal of the wastewater is by percolation and evaporation.

Name and Address of Applicant 81 Speedway

Waterway SE/4, S36, Charles Hall T23S, R7E 7700 N. Broadway Sedgwick County Wichita, KS 67219

Type of Discharge Nonoverflowing

Kansas Permit No. C-AR69-NO01

Facility Description: The permit is for an existing single-cell nonoverflowing lagoon. Only domestic waste is directed to this facility. Final disposal of the wastewater is by percolation and evaporation.

Waterway

NE/4. S19.

T19S, R25E,

Linn County

Name and Address of Applicant KC Youth for Christ L-Bar-C Ranch/LaCygne 4715 Rainbow Blvd. Westwood, KS 66205

Type of Discharge Nonoverflowing

Kansas Permit No. C-MC18-NO03

Facility Description: The permit is for a new two-cell waste stabilization lagoon. Only domestic waste is directed to this facility. Final disposal of the wastewater is by percolation and evaporation.

Name and Address of Applicant KC Youth for Christ Circle C Ranch/Edgerton . 4715 Rainbow Blvd. Westwood, KS 66205

Waterway NW/4, S21, T15S, R25E, Miami County

Type of Discharge Nonoverflowing

Kansas Permit No. C-MC08-NO01

Facility Description: The permit is for a new two-cell waste stabilization lagoon. Only domestic waste is directed to this facility. Final disposal of the wastewater is by percolation and evaporation.

Name and Address of Applicant Sedgwick County Public Services 1250 S. Seneca

Wichita, KS 67215

Waterway SW/4, S8, T28S, R1W Sedgwick County Type of Discharge Nonoverflowing

Kansas Permit No. I-AR94-NO04

Facility Description: This facility is an industrial park for light industrial development. A three-cell nonoverflowing earthen wastewater stabilization pond is used to treat domestic wastewater. Final disposal of the wastewater is by percolation and evaporation.

#### Public Notice No. KS-EG-95-29/30

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the construction of two salt solution mining wells which will be part of a salt solution mining gallery within the state of Kansas for the applicant described below.

Name and Address of Applicant North American Salt Company Well ID G107 P.O. Box 498 Lyons, KS 67554

agvasis tākija

**Well Location** SESWSE S15-T20S-R8W Rice County, Kansas 650' fsl and 1840' fel of SE/4 Kansas Permit No. KS-03-159-208

Description: This facility is designed for the production of salt by solution mining activities.

Name and Address of Applicant North American Salt Company Well ID G108 P.O. Box 498 Same Str Lyons, KS 67554;

Well Location SWSWSE S15-T20S-R8W Rice County, Kansas 650' fsl and 2140' fel of SE/4

Kansas Permit No. KS-03-159-209

Description: This facility is designed for the production of salt by solution mining activities.

Written comments on the proposed determinations may be submitted to the permit clerk, or Dorothy Geisler for agricultural permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before October 27 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-95-146/152, KS-95-79/82, KS-ND-95-57/62, KS-EG-95-29/30) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

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James J. O'Connell Secretary of Health and Environment

Doc. No. 016836

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V. 13, p. 1300

V. 13, p. 1301

V. 13, p. 1301 V. 13, p. 1301

#### **INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index found in the 1994 Volumes of the Kansas Administrative Regulations.

#### **AGENCY 1: DEPARTMENT OF** ADMINISTRATION

Reg. No.	Action	Register
1-2-20	New	V. 14, p. 172, 483
1-5-15	Amended	V. 13, p. 1500
1-5-24	Amended	V. 13, p. 1679
1-5-29	Amended	V. 13, p. 1461, 1501
1-6-21	Amended	V. 13, p. 1461, 1501
1-6-22a	Amended	V. 13, p. 1501
1-6-33	New	V. 14, p. 172, 483
1-8-2	Amended	V. 13, p. 1461, 1502
1-8-5	Amended	V. 13, p. 1461, 1502
1-8-6	Amended	V. 13, p. 1462, 1502
1-9-22 . B	Amended	V. 13, p. 1502
1-9-23	Amended	V. 13, p. 1462, 1503
1-9-25	New	V. 14, p. 173, 484
1-9-26	New	V. 14, p. 175, 487
1-16-18	Amended	V. 14, p. 971
1-17-13	Amended	V. 13, p. 720
1-18-1a	Amended	V. 14, p. 971, 1018
1-49-1	Amended	Ŷ. 13, p. 720
1-63-1	New	V. 13, p. 1463, 1504
1-63-2	New	V. 13, p. 1463, 1504

AGENCY 4: BOARD OF AGRICULTURE		
Reg. No.	Action	Register
4-2-4	Revoked	V. 13, p. 1609
4-2-5	Revoked	V. 13, p. 1609
4-2-6	Revoked	V. 13, p. 1609
4-2-8	Amended	V. 13, p. 1609
4-2-20	New	V. 13, p. 1609
4-3-47	Amended	V. 13, p. 1609
4-3-49	Amended	V. 13, p. 1609
4-4-900	Amended	V. 13, p. 1017, 1043
4-4-982	New	V. 13, p. 1018, 1043
4-4-983	New	V. 13, p. 1018, 1043
4-4-984	New	V. 13, p. 1018, 1043
4-7-716	Amended	V. 13, p. 1018
4-7-719	Amended	V. 13, p. 1018
4-7-900	Amended	V. 13, p. 1610
4-7-901	Amended	V. 13, p. 1610
4-7-904	Amended	V. 13, p. 1610
4-7-905	Amended	V. 13, p. 1610
4-13-60	Amended	V. 13, p. 1018
4-13-61	Amended	V. 13, p. 1018
4-13-64	Amended	V. 13, p. 1019
4-13-65	Amended	V. 13, p. 1019
4-16-1a	Amended	V. 13, p. 1610
4-16-1c	Amended	V. 13, p. 1611
4-16-300	Amended	V. 13, p. 1611
4-16-301	Amended	V. 13, p. 1611
4-16-304	Amended	V. 13, p. 1611
4-16-305	Amended	V. 13, p. 1612
4-17-1c	Amended	V. 13, p. 1612
4-17-5a	Amended	V. 13, p. 1612
4-17-300	Amended	V. 13, p. 1612
4-17-301	Amended	V. 13, p. 1613
4-17-304	Amended	V. 13, p. 1613
4-17-305	Amended	V. 13, p. 1613

#### AGENCY 5: BOARD OF AGRICULTURE-DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 13, p. 491
5-1-2	New	V. 13, p. 493
5-3-4a	Amended	V. 13, p. 493

5-3-5e	New	V. 13, p. 493	28-15-11	Amended	V. 13, p. 1788
5-3-9	New	V. 13, p. 1543	28-15-13	Amended	V. 13, p. 1790
5-3-10	New	V. 13, p. 1543	28-15-14	Amended	V. 13, p. 1792
5-3-11	New	V. 13, p. 1544	28-15-15a	Amended	V. 13, p. 1801
5-3-14			28-15-16	Amended	V. 13, p. 1802
through	New	V 10 - 1545 1547	28-15-19	Amended	V. 13, p. 1157
5-3-18 5-4-4	New	V. 13, p. 1545-1547 V. 13, p. 493	28-15-20 28-15-22	Amended New	V. 13, p. 1157
5-5-8	1404	v. 15, p. 455	28-16-28b	MEM	V. 13, p. 1157
through			through		and the second of the
5-5-12	New	V. 13, p. 1547-1551	28-16-28f	Amended	V. 13, p. 1050-1061
5-7-1	Amended	V. 13, p. 494	28-19-7	Amended	V. 13, p. 1865
5-7-3 5-7-4	Revoked New	V. 13, p. 494	28-19-8	Amended	V. 13, p. 1874
5-10-6	New	V. 13, p. 495 V. 13, p. 1551	28-19-14	Amended	V. 13, p. 1874
5-11-1	New	V. 13, p. 495	28-19-14a 28-19-17b	Revoked Amended	V. 13, p. 1874 V. 13, p. 151
5-11-2	New	V. 13, p. 496	28-19-17c	Amended	V. 13, p. 151 V. 13, p. 151
5-21-1	Amended	V. 13, p. 443	28-19-17f	Amended	V. 13, p. 151
5-21-3	Amended	V. 13, p. 444	28-19-17m	Amended	V. 13, p. 151
5-21-4 5-22-1	New Amended	V. 13, p. 444	28-19-78	Revoked	V. 13, p. 151
5-22-2	Amended	V. 13, p. 91 V. 13, p. 92	28-19-202	Amended	V. 13, p. 1875
5-22-7	Amended	V. 13, p. 92	28-19-204 28-19-212	New New	V. 13, p. 1876
5-22-8	Amended	V. 13, p. 93	4	New	V. 13, p. 1876 V. 13, p. 1877
AGE	NCY 7: SECR	RETARY OF STATE	28-19-300		v. 15, p. 10//
Reg. No.	Action	Register	through		A second
7-19-1			28-19-304	New	V. 13, p. 1877-1880
through		V. 13, p. 1044, 1045,	28-19-400		,
7-19-6	New	1355, 1356	through	·	17 10 1000 1001
7-19-4	Amended	V. 14, p. 1154	28-19-404 28-19-500	New New	V. 13, p. 1880, 1881
7-23-13	Amended	V. 13, p. 1543	28-19-501	New	V. 13, p. 1881 V. 13, p. 1882
7-36-1 through		and the second of the second	28-19-502	New	V. 13, p. 1883
7-36-6	Amended	V. 14, p. 982, 1102	28-19-510		
7-37-1	New	V. 13, p. 765	through		
7-37-2	New.	V. 13, p. 765	28-19-518	New	V. 13, p. 1883-1892
AGEN		E CONSERVATION	28-19-540 through		0 4 6
	COMM	IISSION	28-19-546	New	V. 13, p. 1892-1894
Reg. No.	Action	Register			V. 13, p. 1894
			28-19-561	New	V. 10, D. 1074
11-8-1	2		28-19-561 28-19-562	New New	
through			28-19-562 28-19-563		V. 13, p. 1895 V. 13, p. 1896
through 11-8-8	New	V. 14, p. 629, 630	28-19-562 28-19-563 28-19-575	New	V. 13, p. 1895
through 11-8-8 AGEN	NCY 16: ATT	V. 14, p. 629, 630 ORNEY GENERAL	28-19-562 28-19-563 28-19-575 through	New New	V. 13, p. 1895 V. 13, p. 1896
through 11-8-8 AGEN Reg. No.	NCY 16: ATT Action	V. 14, p. 629, 630 ORNEY GENERAL Register	28-19-562 28-19-563 28-19-575 through 28-19-578	New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897
through 11-8-8 AGEN Reg. No. 16-3-1	NCY 16: ATT Action Amended	V. 14, p. 629, 630 ORNEY GENERAL Register V. 13, p. 1992	28-19-562 28-19-563 28-19-575 through	New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897 V. 13, p. 1897
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2	NCY 16: ATT Action Amended Amended	V. 14, p. 629, 630 ORNEY GENERAL Register V. 13, p. 1992 V. 13, p. 1992	28-19-562 28-19-563 28-19-575 through 28-19-578 28-19-720	New New New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3	NCY 16: ATT Action Amended Amended New	V. 14, p. 629, 630 ORNEY GENERAL Register V. 13, p. 1992 V. 13, p. 1992 V. 13, p. 1992	28-19-562 28-19-563 28-19-575 through 28-19-578 28-19-720 28-19-735 28-19-750 through	New New New New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897 V. 13, p. 1897 V. 13, p. 1897
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2	NCY 16: ATT Action Amended Amended	V. 14, p. 629, 630 ORNEY GENERAL Register V. 13, p. 1992 V. 13, p. 1992 V. 13, p. 1992 V. 13, p. 1992	28-19-562 28-19-563 28-19-575 through 28-19-578 28-19-720 28-19-735 28-19-750 through 28-19-753	New New New New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3	Action Amended Amended New Revoked Revoked Revoked	V. 14, p. 629, 630 ORNEY GENERAL Register V. 13, p. 1992 V. 13, p. 1992	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-735 28-19-750 through 28-19-753 28-29-23a	New New New New New New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2	Action Amended Amended New Revoked Revoked Revoked New	V. 14, p. 629, 630 ORNEY GENERAL Register V. 13, p. 1992 V. 13, p. 1992	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-6a	New New New New New New New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 1897 V. 14, p. 5 V. 13, p. 151
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST	V. 14, p. 629, 630 CORNEY GENERAL  Register  V. 13, p. 1992	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-735 28-19-750 through 28-19-753 28-29-23a	New New New New New New New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 1897 V. 14, p. 5 V. 14, p. 992
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New ENCY 17: ST DEPAR	V. 14, p. 629, 630 CORNEY GENERAL  Register  V. 13, p. 1992  TATE BANKING	28-19-562 28-19-563 28-19-575 through 28-19-7720 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84	New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896, 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 1897 V. 14, p. 5 V. 13, p. 151
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action	V. 14, p. 629, 630 CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING TIMENT  Register	28-19-562 28-19-563 28-19-575 through 28-19-720 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-98 28-29-99	New New New New New New New Amended Amended Revoked	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 13, p. 151 V. 14, p. 992 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1017
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21	Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING  TMENT  Register V. 13, p. 1132	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-720 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100	New New New New New New Amended Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1017 V. 13, p. 1017 V. 13, p. 1356
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING  TMENT  Register V. 13, p. 1132 V. 13, p. 1339	28-19-562 28-19-563 28-19-575 through 28-19-578 28-19-720 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101	New New New New New New Amended Amended Amended Revoked New New	V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Att: HUMAN	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING THENT  Register V. 13, p. 1132 V. 13, p. 1339  RIGHTS COMMISSION	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102	New New New New New New Amended Amended Amended Revoked New New New	V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 92 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1357 V. 13, p. 1358
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No.	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING  TMENT  Register V. 13, p. 1132 V. 13, p. 1339	28-19-562 28-19-563 28-19-575 through 28-19-578 28-19-720 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101	New New New New New New Amended Amended Amended Revoked New New	V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1357 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1361
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-1	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Att: HUMAN	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING THENT  Register V. 13, p. 1132 V. 13, p. 1339  RIGHTS COMMISSION	28-19-562 28-19-563 28-19-575 through 28-19-720 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103	New New New New New New Amended Amended Amended Revoked New New New New	V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 92 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1357 V. 13, p. 1358
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-1 through	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New ENCY 17: ST DEPAR Action Amended Amended At: HUMAN 1 Action	V. 14, p. 629, 630 CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING TMENT  Register V. 13, p. 1132 V. 13, p. 1399 RIGHTS COMMISSION Register	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-85 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-104 28-29-104 28-29-101 28-29-101	New New New New New New Amended Amended Revoked New	V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1358 V. 13, p. 1366
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-1 through 21-70-54	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New ENCY 17: ST DEPAR Action Amended Amended At: HUMAN Action	V. 14, p. 629, 630 CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING TIMENT  Register V. 13, p. 1132 V. 13, p. 1399 RIGHTS COMMISSION Register  V. 13, p. 1651-1660	28-19-562 28-19-563 28-19-575 through 28-19-730 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-104 28-29-104 28-29-108 28-29-111 28-29-112	New New New New New New Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1361 V. 13, p. 1362 V. 13, p. 1364 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1369
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-54 A	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended T: HUMAN Action New CENCY 25: \$2	V. 14, p. 629, 630 CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING TMENT  Register V. 13, p. 1132 V. 13, p. 1399 RIGHTS COMMISSION Register	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-108 28-29-111 28-29-112 28-29-113	New New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1357 V. 13, p. 1356 V. 13, p. 1366 V. 13, p. 1360 V. 13, p. 1361 V. 13, p. 1362 V. 13, p. 1362 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1371 V. 13, p. 1372
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-54 A	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended T: HUMAN Action New CENCY 25: \$2	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING  TIMENT  Register V. 13, p. 1132 V. 13, p. 1399  RIGHTS COMMISSION Register  V. 13, p. 1651-1660  STATE GRAIN	28-19-562 28-19-563 28-19-575 through 28-19-720 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-103 28-29-104 28-29-108 28-29-108 28-29-111 28-29-113 28-29-113	New New New New New New New Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1362 V. 13, p. 1371 V. 13, p. 1372 V. 13, p. 1372 V. 13, p. 1376
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-54 A IN	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Attion New GENCY 25: S SPECTION Action	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING  TIMENT  Register V. 13, p. 1132 V. 13, p. 1399  RIGHTS COMMISSION Register  V. 13, p. 1651-1660  STATE GRAIN  DEPARTMENT  Register  Register  Register RIGHTS COMMISSION Register  V. 13, p. 1651-1660	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-108 28-29-111 28-29-112 28-29-113	New New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1896 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1357 V. 13, p. 1356 V. 13, p. 1366 V. 13, p. 1360 V. 13, p. 1361 V. 13, p. 1362 V. 13, p. 1362 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1371 V. 13, p. 1372
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-1 through 21-70-54 A IN Reg. No. 25-4-1	Action Amended Amended Amended New Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended TI: HUMAN Action New GENCY 25: SI SPECTION Action Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING  TIMENT  Register V. 13, p. 1132 V. 13, p. 1399  RIGHTS COMMISSION Register  V. 13, p. 1651-1660  STATE GRAIN DEPARTMENT	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-111 28-29-112 28-29-113 28-29-114 28-29-114 28-29-111 through	New New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1315 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1361 V. 13, p. 1361 V. 13, p. 1361 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1369 V. 13, p. 1371 V. 13, p. 1371 V. 13, p. 1372 V. 13, p. 1372 V. 13, p. 1376 V. 13, p. 1376 V. 13, p. 1376 V. 13, p. 1377
through 11-8-8 AGER Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-1 through 21-70-54 A IN Reg. No. 25-4-1	Action Amended Amended Amended New Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended TI: HUMAN Action New GENCY 25: SI SPECTION Action Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING TMENT  Register V. 13, p. 1132 V. 13, p. 1399 RIGHTS COMMISSION Register  V. 13, p. 1651-1660 STATE GRAIN DEPARTMENT  Register V. 14, p. 676, 720 RIMENT ON AGING	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-88 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-111 28-29-112 28-29-113 28-29-114 28-29-115 28-29-114 28-29-114 28-29-115 28-31-1 through 28-31-6	New New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1356 V. 13, p. 1361 V. 13, p. 1361 V. 13, p. 1362 V. 13, p. 1362 V. 13, p. 1362 V. 13, p. 1364 V. 13, p. 1365 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1362 V. 13, p. 1369 V. 13, p. 1372 V. 13, p. 1376 V. 13, p. 1376 V. 13, p. 1377
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-1 through 21-70-54 A IN Reg. No. 25-4-1	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked New ENCY 17: ST DEPAR Action Amended Amended Amended TI: HUMAN Action New GENCY 25: S ISPECTION Action Amended Y 26: DEPAR	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING TMENT  Register V. 13, p. 1132 V. 13, p. 1399 RIGHTS COMMISSION Register  V. 13, p. 1651-1660 STATE GRAIN DEPARTMENT  Register V. 14, p. 676, 720 RTMENT ON AGING Register	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-720 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-85 28-29-98 28-29-90 28-29-101 28-29-102 28-29-103 28-29-111 28-29-112 28-29-112 28-29-114 28-29-114 28-29-114 28-29-114 28-29-114 28-29-114 28-29-115 28-31-1 through 28-31-6 28-31-8	New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 992 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1356 V. 13, p. 1366 V. 13, p. 1367 V. 13, p. 1372 V. 13, p. 1372 V. 13, p. 1375 V. 13, p. 1377 V. 13, p. 1377
through 11-8-8	Action Amended Amended Amended New Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Amended Amended Amended SENCY 25: S SPECTION Action Amended Amended Action Amended Action Action Action Action Action Amended Y 26: DEPAR Action	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING TMENT  Register V. 13, p. 1132 V. 13, p. 1399 RIGHTS COMMISSION Register  V. 13, p. 1651-1660 STATE GRAIN DEPARTMENT  Register V. 14, p. 676, 720 RIMENT ON AGING	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-85 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-112 28-29-112 28-29-114 28-29-115 28-29-115 28-29-116 28-29-116 28-29-117 28-29-118 28-29-118 28-29-119 28-29-119 28-29-119 28-29-119 28-29-114 28-29-115 28-31-1 through 28-31-6 28-31-8	New New New New New New Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1357 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1371 V. 13, p. 1372 V. 13, p. 1377 V. 13, p. 312-318 V. 13, p. 319
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-54 A IN Reg. No. 25-4-1 AGENC Reg. No. 25-4-1 AGENC Reg. No. 26-8-3 26-8-3 26-8-4	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Attion New GENCY 25: S SPECTION Action Amended Y 26: DEPAR Action Amended Action Amended Action Amended Action Amended Amended Amended Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING  TIMENT  Register V. 13, p. 1132 V. 13, p. 1329 RIGHTS COMMISSION Register  V. 14, p. 676, 720 RIMENT ON AGING  Register V. 14, p. 990 V. 13, p. 1429 V. 14, p. 991	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-104 28-29-111 28-29-112 28-29-112 28-29-111 28-29-114 28-29-115 28-31-1 through 28-31-6 28-31-8 28-31-8	New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1361 V. 13, p. 1362 V. 13, p. 1364 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1371 V. 13, p. 1377 V. 13, p. 312-318 V. 13, p. 312-318 V. 13, p. 319 V. 13, p. 319 V. 13, p. 319
through 11-8-8 AGEN Reg. No. 16-3-1 16-3-2 16-3-3 16-4-1 16-5-2 16-5-3 16-6-2 AG Reg. No. 17-11-21 17-22-1 AGENCY 2 Reg. No. 21-70-1 through 21-70-54 A Reg. No. 25-4-1 AGENC Reg. No. 26-8-1 26-8-3 26-8-4 26-8-5	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Amended TI: HUMAN Action  New GENCY 25: SISPECTION Action Amended Y 26: DEPAR Action Amended Amended Amended Amended Amended Amended Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING  TMENT  Register V. 13, p. 1132 V. 13, p. 1399  RIGHTS COMMISSION Register V. 14, p. 1651-1660  STATE GRAIN  DEPARTMENT  Register V. 14, p. 676, 720  RTMENT ON AGING  Register V. 14, p. 990 V. 13, p. 1429 V. 14, p. 991 V. 14, p. 911	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-85 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-112 28-29-112 28-29-114 28-29-115 28-29-115 28-29-116 28-29-116 28-29-117 28-29-118 28-29-118 28-29-119 28-29-119 28-29-119 28-29-119 28-29-114 28-29-115 28-31-1 through 28-31-6 28-31-8	New New New New New New Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1367 V. 13, p. 1365 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1361 V. 13, p. 1361 V. 13, p. 1366 V. 13, p. 1361 V. 13, p. 1361 V. 13, p. 1367 V. 13, p. 1371 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1379 V. 13, p. 319 V. 13, p. 320
through 11-8-8	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked New ENCY 17: ST DEPAR Action Amended Amended Amended SISPECTION Action Amended Y 26: DEPAR Action Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 TATE BANKING  TMENT  Register V. 13, p. 1132 V. 13, p. 1399  RIGHTS COMMISSION Register  V. 13, p. 1651-1660  STATE GRAIN  DEPARTMENT  Register V. 14, p. 676, 720  RTMENT ON AGING  Register V. 14, p. 990 V. 13, p. 1429 V. 14, p. 991 V. 13, p. 1429 V. 14, p. 910	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-88 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-111 28-29-112 28-29-113 28-29-114 28-29-115 28-29-115 28-31-16 28-31-8 28-31-8 28-31-8 28-31-9 28-31-10	New New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1315 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1361 V. 13, p. 1362 V. 13, p. 1364 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1371 V. 13, p. 1377 V. 13, p. 312-318 V. 13, p. 312-318 V. 13, p. 319 V. 13, p. 319 V. 13, p. 319
through 11-8-8	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Attion New GENCY 25: SISPECTION Action Amended Y 26: DEPAR Action Amended Amended Amended Amended Amended Amended Amended Amended Amended	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING  TMENT  Register V. 13, p. 1132 V. 13, p. 1329 RIGHTS COMMISSION Register  V. 13, p. 1651-1660  STATE GRAIN  DEPARTMENT  Register V. 14, p. 676, 720  RTMENT ON AGING  Register V. 14, p. 990 V. 14, p. 990 V. 13, p. 1429 V. 14, p. 991 V. 13, p. 1429 V. 14, p. 991 V. 13, p. 1429 V. 14, p. 991 V. 14, p. 991	28-19-562 28-19-563 28-19-575 through 28-19-778 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-85 28-29-85 28-29-89 28-29-101 28-29-102 28-29-103 28-29-104 28-29-111 28-29-112 28-29-113 28-29-114 28-29-115 28-31-11 through 28-31-1 through 28-31-1 28-31-1 through 28-31-1 128-31-1 128-31-10 28-31-10 28-31-10 28-31-10 28-31-11 28-31-11	New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1369 V. 13, p. 1369 V. 13, p. 1371 V. 13, p. 1372 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1379 V. 13, p. 1379 V. 13, p. 1379 V. 13, p. 1379 V. 13, p. 319 V. 13, p. 319 V. 13, p. 320 V. 13, p. 320 V. 13, p. 320 V. 13, p. 1287
through 11-8-8	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Action Action Action Action Action Action Amended Action Amended Action Amended New	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING  TIMENT  Register V. 13, p. 1132 V. 13, p. 1329 RIGHTS COMMISSION Register  V. 13, p. 1651-1660  STATE GRAIN  DEPARTMENT  Register V. 14, p. 676, 720  RTMENT ON AGING  Register V. 14, p. 990 V. 13, p. 1429 V. 14, p. 991 V. 13, p. 1429 V. 14, p. 991 V. 14, p. 884, 970	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-111 28-29-112 28-29-111 28-29-114 28-29-114 28-29-115 28-31-1 through 28-31-1 through 28-31-1 through 28-31-1 through 28-31-1 28-31-1 through 28-31-1 28-31-1 28-31-1 28-31-1 28-31-1 28-31-11 28-31-11 28-31-11 28-31-11 28-31-11	New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 92 V. 14, p. 7, 91 V. 13, p. 1361 V. 13, p. 1365 V. 13, p. 1361 V. 13, p. 1361 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1367 V. 13, p. 1371 V. 13, p. 1371 V. 13, p. 1372 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1379 V. 13, p. 1379 V. 13, p. 1379 V. 13, p. 319 V. 13, p. 319 V. 13, p. 320 V. 13, p. 320 V. 13, p. 320 V. 13, p. 1287 V. 13, p. 1299
through 11-8-8	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Amended TI: HUMAN Action  New GENCY 25: SISPECTION Action Amended Y 26: DEPAR Action Amended Amended Amended Amended Amended Amended Amended Amended New Y 28: DEPAR	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING  TMENT  Register V. 13, p. 1132 V. 13, p. 1329 RIGHTS COMMISSION Register  V. 13, p. 1651-1660 STATE GRAIN DEPARTMENT  Register V. 14, p. 676, 720 RTMENT ON AGING Register V. 14, p. 990 V. 14, p. 990 V. 13, p. 1429 V. 14, p. 991	28-19-562 28-19-563 28-19-575 through 28-19-578 28-19-775 28-19-735 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-88 28-29-98 28-29-101 28-29-102 28-29-103 28-29-104 28-29-103 28-29-111 28-29-112 28-29-114 28-29-115 28-31-16 28-31-8 28-31-8 28-31-10 28-31-11 28-31-11 28-31-11 28-31-14 28-35-135 28-35-144a 28-35-199a	New New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 13, p. 181 V. 14, p. 992 V. 14, p. 992 V. 14, p. 7, 91 V. 13, p. 1356 V. 13, p. 1356 V. 13, p. 1357 V. 13, p. 1358 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1371 V. 13, p. 1372 V. 13, p. 1372 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1379 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 319 V. 13, p. 319 V. 13, p. 319 V. 13, p. 320 V. 13, p. 320 V. 13, p. 320 V. 13, p. 1299 V. 13, p. 1300
through 11-8-8	NCY 16: ATT Action Amended Amended New Revoked Revoked Revoked Revoked Revoked New EENCY 17: ST DEPAR Action Amended Amended Amended TI: HUMAN Action  New GENCY 25: SISPECTION Action Amended Y 26: DEPAR Action Amended Amended Amended Amended Amended Amended Amended Amended New Y 28: DEPAR	V. 14, p. 629, 630  CORNEY GENERAL  Register  V. 13, p. 1992 FATE BANKING  TMENT  Register V. 13, p. 1132 V. 13, p. 1399  RIGHTS COMMISSION Register V. 13, p. 1651-1660  STATE GRAIN  DEPARTMENT  Register V. 14, p. 676, 720  ETMENT ON AGING  Register V. 14, p. 990 V. 14, p. 990 V. 13, p. 1429 V. 14, p. 991 V. 14, p. 984, 970  TMENT OF HEALTH	28-19-562 28-19-563 28-19-575 through 28-19-770 28-19-730 28-19-750 through 28-19-753 28-29-23a 28-29-6a 28-29-84 28-29-85 28-29-99 28-29-100 28-29-101 28-29-102 28-29-103 28-29-104 28-29-111 28-29-112 28-29-111 28-29-114 28-29-114 28-29-115 28-31-1 through 28-31-1 through 28-31-1 through 28-31-1 through 28-31-1 28-31-1 through 28-31-1 28-31-1 28-31-1 28-31-1 28-31-1 28-31-11 28-31-11 28-31-11 28-31-11 28-31-11	New New New New New New Amended Amended Amended Revoked New	V. 13, p. 1895 V. 13, p. 1896 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 13, p. 1897 V. 14, p. 5 V. 14, p. 5 V. 14, p. 92 V. 14, p. 7, 91 V. 13, p. 1361 V. 13, p. 1365 V. 13, p. 1361 V. 13, p. 1361 V. 13, p. 1366 V. 13, p. 1366 V. 13, p. 1367 V. 13, p. 1371 V. 13, p. 1371 V. 13, p. 1372 V. 13, p. 1377 V. 13, p. 1377 V. 13, p. 1379 V. 13, p. 1379 V. 13, p. 1379 V. 13, p. 319 V. 13, p. 319 V. 13, p. 320 V. 13, p. 320 V. 13, p. 320 V. 13, p. 1287 V. 13, p. 1299

V. 13, p. 1932-1945

28-35-212a

28-35-2126

28-35-212c

Amended

Amended

28-4-550

through 28-4-572

						,		
	28-35-212d	New	V. 13, p. 1302	30-4-63	Amended	V. 14, p. 826	20 10 7 Amonded	
							30-10-7 Amended	V. 14, p. 5
	28-35-212e	New	V. 13, p. 1302	30-4-63w	Amended	V. 14, p. 827	30-10-18 Amended	V. 13, p. 1167
	28-35-212f	New	V. 13, p. 1303	30-4-64	Amended	V. 14, p. 828	30-10-20 Amended	V. 14, p. 169
	28-35-212g	New	V. 13, p. 1304	30-4-64w	Amended	V. 14, p. 829	30-41-1 Amended	
								V. 13, p. 1970
	28-35-213a	Amended	V. 13, p. 1305	30-4-65w	New	V. 14, p. 830	30-44-2 New	V. 13, p. 1971
	28-35-213b	New	V. 13, p. 1305	30-4-70w	New	V. 13, p. 1670	30-44-3 New	V. 13, p. 1972
	28-35-214a	Amended	V. 13, p. 1305	30-4-71w	New			V. 10, p. 1072
						V. 13, p. 1690	30-44-4 New	V. 14, p. 921
	28-35-214b	New	V. 13, p. 1305	30-4-72w	New	V. 13, p. 1690	AGENCY 33: DEPAR	TMENT OF
	28-35-215a	Revoked	V. 13, p. 1306	30-4-74w	New	V. 13, p. 1691		
	28-35-217a	and the second second	17 12 m 1206		and the second second	V. 10, p. 1051	WILDLIFE AND	PARKS
		Amended	V. 13, p. 1306	30-4-90	Amended	V. 13, p. 721	Day No. Assau	D
	28-35-217b	New	V. 13, p. 1306	30-4-90w	New	V. 13, p. 1691	Reg. No. Action	Register
	28-35-219a	Amended	V. 13, p. 1306	30-4-96			33-1-18 Revoked	V. 13, p. 1926
					Amended	V. 13, p. 1159		
	28-35-220a	Amended	V. 13, p. 1309	30-4-100w	New	V. 13, p. 1693	33-1-20 Revoked	V. 13, p. 1926
	28-35-221a	Amended	V. 13, p. 1309	30-4-105w	New	V. 13, p. 1694	A CENTON OF THE A DE	TIN ATTACK
			V 12 - 1210				AGENCY 36: DEPAR	
	28-35-221b	Amended	V. 13, p. 1310	30-4-106w	New	V. 13, p. 1694	TRANSPORTA	TION
	28-35-222a	Amended	V. 13, p. 1317	30-4-109w	New	V. 13, p. 1695		
	28-35-223a	Amended	V. 13, p. 1317	30-4-110w	New		Reg. No. Action	Register
						V. 13, p. 1696	36-27-11 Revoked	V 12 - 01
	28-35-224a	Amended	V. 13, p. 1317	30-4-111w	New	V. 13, p. 1696	30-27-11 Revokeu	V. 13, p. 91
	28-35-225a	Amended	V. 13, p. 1318	30-4-112	Amended	V. 13, p. 1697	AGENCY 40: KANSAS	INSURANCE
	28-35-226a	Amended		30-4-112w				
			V. 13, p. 1318		New	V. 13, p. 1698	DEPARTME	NI
	28-35-227a	Revoked	V. 13, p. 1318	30-4-113	Amended	V. 13, p. 1699	Reg. No. Action	Register
	28-35-227b			30-4-113w	New	V. 13, p. 1699		
						77 14 001	40-1-22 Amended	V. 13, p. 185
	through			30-4-120	Amended	V. 14, p. 831	40-3-47 Amended	V. 13, p. 185
	28-35-2271	New	V. 13, p. 1318, 1319	30-4-120w	Amended	V. 14, p. 832	A Section Control Section 1997	
	28-35-228a	Amended	V. 13, p. 1320	30-4-130w	New	V. 13, p. 1700	40-4-41 New	V. 14, p. 583, 624
	28-35-229a						40-4-41a	
		Amended	V. 13, p. 1320	30-4-140w	Amended	V. 14, p. 833	through	
	28-35-230a	Amended	V. 13, p. 1320	30-5-58	Amended	V. 14, p. 914		
	28-35-230ь	Amended	V. 13, p. 1321	30-5-59	Amended	V. 14, p. 168	40-4-41g New	V. 14, p. 584-587
			1/ 10 - 1001					625-628
	28-35-230c	New	V. 13, p. 1321	30-5-64	Amended	V. 14, p. 4		State of the state
	28-35-230d	New /	V. 13, p. 1321	30-5-65	Amended	V. 13, p. 730	AGENCY 44: DEPAR'	IMENT OF
	28-35-230e	New	V. 13, p. 1322	30-5-71		V 14 - 000 1017	CORRECTIO	NS
	1.0				Amended	V. 14, p. 988, 1017		110
	28-35-230f	New	V. 13, p. 1322	30-5-82a	Amended	V. 13, p. 730	Reg. No. Action	Register
	28-35-231b	Amended	V. 13, p. 1322	30-5-106	Amended	V. 14, p. 169	44 F 100 P-1-1 1	-
	28-35-232a	Revoked					44-5-102 Revoked	V. 13, p. 835
			V. 13, p. 1323	30-5-107	Amended	V. 14, p. 169	44-5-115 New	V. 13, p. 1755
	28-35-233a	Revoked	V. 13, p. 1323	30-5-116	Amended	V. 14, p. 920	44-6-124 Amended	V. 13, p. 1755
	28-35-234a	Revoked	V. 13, p. 1323	30-5-118a	Amended	V. 13, p 731		
	28-35-333						44-6-142 Amended	V. 13, p. 1756
		Amended	V. 13, p. 1323	30-5-173	Revoked	V. 14, p. 4	44-6-146 Amended	V. 13, p. 1756
	28-35-334	Amended	V. 13, p. 1324	30-5-173a	Revoked	V. 14, p. 4	44-7-104 Amended	V 12 - 025
	28-39-227			30-5-174	New			V. 13, p. 835
						V. 14, p. 920	44-9-103 Revoked	V. 13, p. 836
	through		and the second second second	30-6-34	Amended	V. 13, p. 1705	44-9-104 Revoked	V. 13, p. 837
	28-39-239	New	V. 13, p. 399-403	30-6-35w	New	V. 13, p. 1705		
	28-46-1	Amended	V. 13, p. 152	30-6-41w	New		44-9-105 Amended	V. 13, p. 837
ξ.						V. 13, p. 1705	44-12-601 Amended	V. 13, p. 1757
١S.	28-46-2	Amended	V. 13, p. 152	30-6-50w	New	V. 13, p. 1706	44-12-1202 Amended	V. 13, p. 1758
2	28-46-3	Amended	V. 13, p. 152	30-6-52	Amended	V. 13, p. 1160		
	28-46-5		ev.E. es-				44-12-1308 Amended	V. 13, p. 1758
1	`	,		30-6-52w	New	V. 13, p. 1706	44-13-201 Amended	V. 13, p. 837
	through		. *	30-6-53w	New	V. 13, p. 1706	44-13-201b Amended	
	28-46-22	Amended	V. 13, p. 152, 153	30-6-54w	New	V. 13, p. 1707		V. 13, p. 838
							44-13-202 Amended	V. 13, p. 838
	28-46-24	Amended	V. 13, p. 154	30-6-55w		V. 13, p. 1708	44 12 402	
	28-46-26			00.0.00	New	v. 10, p. 1700	44-13-402 Amended	V. 13. p. 839
			The second secon				44-13-402 Amended	V. 13, p. 839
	through			30-6-56	Amended	V. 13, p. 734	44-13-403 Amended	V. 13, p. 839
	through		3 10 10 10 10 10 10 10 10 10 10 10 10 10	30-6-56 30-6-56w	Amended New	V. 13, p. 734 V. 13, p. 1708	The second of th	
ı	28-46-34	Amended	V. 13, p. 154, 155	30-6-56	Amended	V. 13, p. 734	44-13-403 Amended 44-13-408 Amended	V. 13, p. 839 V. 13, p. 1758
		Amended Amended		30-6-56 30-6-56w 30-6-59w	Amended New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841
ı	28-46-34 28-46-36	Amended	V. 13, p. 155	30-6-56 30-6-56w 30-6-59w 30-6-60w	Amended New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759
1	28-46-34 28-46-36 28-46-37	Amended Revoked	V. 13, p. 155 V. 13, p. 354	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w	Amended New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841
	28-46-34 28-46-36 28-46-37 28-46-38	Amended Revoked Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-70w	Amended New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710	44-13-403 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841
	28-46-34 28-46-36 28-46-37	Amended Revoked	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-70w	Amended New New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39	Amended Revoked Amended Revoked	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-70w 30-6-72w	Amended New New New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711	44-13-403 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41	Amended Revoked Amended Revoked Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-70w 30-6-72w 30-6-77	Amended New New New New New New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE
1	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42	Amended Revoked Amended Revoked Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-670w 30-6-72w 30-6-77 30-6-77w	Amended New New New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE
1	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41	Amended Revoked Amended Revoked Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-670w 30-6-72w 30-6-77 30-6-77w	Amended New New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE
3	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43	Amended Revoked Amended Revoked Amended Amended New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-72w 30-6-77w 30-6-77w 30-6-78w	Amended New New New New New New New New Amended New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE JERAL Register
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44	Amended Revoked Amended Revoked Amended Amended New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-72w 30-6-72w 30-6-77w 30-6-77w 30-6-78w 30-6-81w	Amended New New New New New New Amended New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1712 v. 13, p. 1713	44-13-403 Amended 44-13-603 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE JERAL Register V. 13, p. 89-91,
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-49 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5	Amended Revoked Amended Revoked Amended Amended New New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-72w 30-6-77 30-6-77w 30-6-78w 30-6-81w 30-6-82w	Amended New New New New New New Amended New New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1713	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE JERAL Register
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44	Amended Revoked Amended Revoked Amended Amended New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-72w 30-6-72w 30-6-77w 30-6-77w 30-6-78w 30-6-81w	Amended New New New New New New Amended New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1713	44-13-403 Amended 44-13-603 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFIC ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112
b	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5a	Amended Revoked Amended Revoked Amended Amended New New Amended New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 158 V. 13, p. 1158	30-6-56 30-6-56w 30-6-55w 30-6-65w 30-6-70w 30-6-72w 30-6-77 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w	Amended New New New New New New Amended New New New New New New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713	44-13-403 Amended 44-13-603 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5 28-59-7	Amended Revoked Amended Revoked Amended Amended New New Amended New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 158 V. 13, p. 1159 V. 13, p. 1159	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-70w 30-6-72w 30-6-77 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD O	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE NERAL Register V. 13, p. 89-91, 111-112
3	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-7 28-65-2	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551	30-6-56 30-6-56w 30-6-59w 30-6-65w 30-6-67w 30-6-72w 30-6-77 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-87w	Amended New New New New New New Amended New New New New New New New New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFIC ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OREG. No. Action	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE NERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register
3	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5 28-59-7	Amended Revoked Amended Revoked Amended Amended New New Amended New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551	30-6-56 30-6-56w 30-6-59w 30-6-65w 30-6-67w 30-6-72w 30-6-77 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-87w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD O	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE NERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 1158 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1551	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-72w 30-6-72w 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-85w 30-6-87w 30-6-87w 30-6-87w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1712 v. 13, p. 1713	44-13-403 Amended 44-13-603 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OREG. No. Action 60-3-102 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE UERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-3 28-65-4	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-72w 30-6-72w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-87w 30-6-87w 30-6-94w 30-6-94w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD CO Reg. No. Action 60-3-102 Amended 60-3-104 Revoked	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365
	28-46-34 28-46-36 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 1158 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1551	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-72w 30-6-72w 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-85w 30-6-87w 30-6-87w 30-6-87w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714	44-13-403 Amended 44-13-603 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OREG. No. Action 60-3-102 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-65-4 28-67-1	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 1158 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1551	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-72w 30-6-77 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w 30-6-86w 30-6-94w 30-6-103 30-6-103w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 365
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-7 28-65-2 28-65-3 28-65-3 28-67-1 through	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552	30-6-56 30-6-56w 30-6-60w 30-6-65w 30-6-70w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-86w 30-6-86w 30-6-94w 30-6-103w 30-6-103w 30-6-105w	Amended New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OF Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-65-4 28-67-1	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 1158 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1551	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-77w 30-6-77 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-86w 30-6-103 30-6-103 30-6-103w 30-6-105w 30-6-106	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OR Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 New	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 through 28-67-12	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649	30-6-56 30-6-56w 30-6-60w 30-6-65w 30-6-70w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-86w 30-6-86w 30-6-94w 30-6-103w 30-6-103w 30-6-105w	Amended New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OF Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-42 28-46-44 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 through 28-67-12	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-65w 30-6-72w 30-6-72w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-85w 30-6-87w 30-6-103w 30-6-103w 30-6-105w 30-6-106 30-6-106w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1716 V. 13, p. 1716 V. 13, p. 1716 V. 13, p. 1966 V. 13, p. 1966	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106a New 60-3-110 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE UERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1086
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-42 28-46-44 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 through 28-67-12	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-77w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w 30-6-80w 30-6-103w 30-6-103w 30-6-105w 30-6-106w 30-6-106w 30-6-106w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1966 V. 13, p. 1968 V. 13, p. 1978	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 New 60-3-110 Amended 60-3-110 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 1964
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 through 28-67-12	Amended Revoked Amended Amended Amended New Amended New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND ON SERVICES	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-72w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w 30-6-103w 30-6-103w 30-6-105w 30-6-106w 30-6-106w 30-6-107 30-6-107w	Amended New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1966 V. 13, p. 1966 V. 13, p. 1717 V. 13, p. 1717	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 New 60-3-110 Amended 60-3-110 Amended 60-4-101 Amended 60-4-101 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1964 V. 13, p. 365
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-42 28-46-44 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 through 28-67-12	Amended Revoked Amended Amended Amended New New Amended New Amended Amended Amended Amended Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND ON SERVICES Register	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-77w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w 30-6-80w 30-6-103w 30-6-103w 30-6-105w 30-6-106w 30-6-106w 30-6-106w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1966 V. 13, p. 1966 V. 13, p. 1717 V. 13, p. 1717	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 New 60-3-110 Amended 60-3-110 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 1964
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5a 28-65-2 28-65-3 28-65-4 28-67-12 AREI	Amended Revoked Amended Amended Amended New New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND ON SERVICES Register	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-67w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-86w 30-6-103w 30-6-105w 30-6-106w 30-6-106w 30-6-107w 30-6-107w 30-6-107y	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFIC ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OR Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-106 Amended 60-3-106 Amended 60-3-106 Amended 60-4-101 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-7 28-65-2 28-65-3 28-65-1 through 28-67-12 AREI Reg. No. 30-2-16	Amended Revoked Amended Amended Amended New New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 158 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-70w 30-6-77 30-6-77 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-86w 30-6-103 30-6-103 30-6-106 30-6-106w 30-6-107 30-6-109 30-6-109 30-6-109	Amended New New New New New Amended New New New New New New New New New Amended New Amended Amended Amended New Amended Amended New Amended New Amended Amended New Amended New Amended New Amended New Amended New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1966 V. 13, p. 1968 V. 13, p. 1717	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-106 Amended 60-4-101 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE UERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 366
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 through 28-67-12 REI Reg. No. 30-2-16 30-4-34	Amended Revoked Amended Amended Amended New New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1551 V. 13, p. 1552	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-65w 30-6-72w 30-6-72w 30-6-78w 30-6-81w 30-6-82w 30-6-82w 30-6-85w 30-6-85w 30-6-103 30-6-103w 30-6-105w 30-6-106w 30-6-107w 30-6-109w 30-6-109w 30-6-110w	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD CO Reg. No. Action 60-3-102 Amended 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-110 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended 60-7-106 Amended 60-8-101 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 365 V. 13, p. 1964
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-7 28-65-2 28-65-3 28-65-1 through 28-67-12 AREI Reg. No. 30-2-16	Amended Revoked Amended Amended Amended New New Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1551 V. 13, p. 1552	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-65w 30-6-72w 30-6-72w 30-6-78w 30-6-81w 30-6-82w 30-6-82w 30-6-85w 30-6-85w 30-6-103 30-6-103w 30-6-105w 30-6-106w 30-6-107w 30-6-109w 30-6-109w 30-6-110w	Amended New New New New New New Amended New New New New New New New New Amended New Amended New Amended Amended Amended New Amended Amended New New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 v. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 13, p. 1719	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD CO Reg. No. Action 60-3-102 Amended 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-110 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended 60-7-106 Amended 60-8-101 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 365 V. 13, p. 1964
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 28-67-12 Ar Reg. No. 30-2-16 30-4-34 30-4-35w	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: 5 HABILITATI Action Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1645-1649 OOCIAL AND OON SERVICES  Register V. 13, p. 1159 V. 14, p. 826 V. 13, p. 1685	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-65w 30-6-72w 30-6-77w 30-6-78w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-103w 30-6-103w 30-6-106w 30-6-106w 30-6-107w 30-6-109w 30-6-1109w 30-6-110w 30-6-1110w 30-6-1111	Amended New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 833	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-101 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1986 V. 13, p. 1984 V. 13, p. 1086 V. 13, p. 1986
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-44 28-59-5 28-59-5a 28-59-7 28-65-2 28-65-3 28-67-1 28-67-12 AREI Reg. No. 30-2-16 30-4-34 30-4-35w 30-4-41w	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: \$ HABILITATI Action Amended Amended New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND ON SERVICES  Register V. 13, p. 1159 V. 14, p. 826 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1685	30-6-56 30-6-56w 30-6-56w 30-6-60w 30-6-67w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w 30-6-103w 30-6-105w 30-6-106w 30-6-107w 30-6-107w 30-6-109w 30-6-111w 30-6-1111w	Amended New New New New New Amended New New New New New New New New New Amended New Amended Amended Amended New Amended Amended Amended New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1716 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 833 V. 14, p. 833 V. 14, p. 833	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OR Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-101 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended 60-7-107 Amended 60-7-107 Amended 60-7-108 Amended 60-7-109 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 366 V. 13, p. 1964 V. 13, p. 1086
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 28-67-12 Ar Reg. No. 30-2-16 30-4-34 30-4-35w	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: 5 HABILITATI Action Amended Amended	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1645-1649 OOCIAL AND OON SERVICES  Register V. 13, p. 1159 V. 14, p. 826 V. 13, p. 1685	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-65w 30-6-72w 30-6-77w 30-6-78w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-103w 30-6-103w 30-6-106w 30-6-106w 30-6-107w 30-6-109w 30-6-1109w 30-6-110w 30-6-1110w 30-6-1111	Amended New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 14, p. 834 V. 14, p. 834 V. 13, p. 1722	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-101 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE UERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1087
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-1 through 28-67-12 AREI Reg. No. 30-2-16 30-4-35 30-4-35 30-4-35 30-4-50 W	Amended Revoked Amended Amended Amended New Amended New Amended New GENCY 30: 5 HABILITATI Action Amended Amended Amended New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND ON SERVICES  Register V. 13, p. 1645 V. 14, p. 826 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-86w 30-6-103 30-6-106 30-6-106w 30-6-106w 30-6-109w 30-6-110w 30-6-1110w 30-6-1111w 30-6-1111w 30-6-1111w	Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 14, p. 834 V. 14, p. 834 V. 13, p. 1722	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFIC ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD O Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended 60-7-106 Amended 60-7-107 Amended 60-7-108 Amended 60-11-108 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 841 V. 13, p. 1759 V. 13, p. 841 E OF THE UERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1087
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-59-5 28-59-7 28-65-3 28-65-3 28-67-11 through 28-67-12 Reg. No. 30-2-16 30-4-34 30-4-35w 30-4-41w 30-4-50w 30-4-50w 30-4-52w	Amended Revoked Amended Amended Amended New Amended New Amended New GENCY 30: 5 HABILITATI Action Amended Amended New New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND ON SERVICES  Register V. 13, p. 1645-1649 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686 V. 13, p. 1686	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-65w 30-6-77w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-103 30-6-103 30-6-106 30-6-106w 30-6-107w 30-6-109w 30-6-110w 30-6-111w 30-6-111w 30-6-111z 30-6-112	Amended New New New New New New Amended New New New New New New New New Amended New Amended Amended Amended New New Amended Amended Amended New New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1722 V. 13, p. 1723	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD CO Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended 60-7-106 Amended 60-7-107-107 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1754 V. 13, p. 1087 V. 13, p. 366
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-67-12 through 28-67-12 AREI Reg. No. 30-2-16 30-4-34 30-4-35w 30-4-50w 30-4-50w 30-4-52w 30-4-53w	Amended Revoked Amended Amended Amended New New Amended New New New New New New New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686 V. 13, p. 1686 V. 13, p. 1686	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-67w 30-6-72w 30-6-77w 30-6-78w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-103w 30-6-103w 30-6-105w 30-6-107w 30-6-107w 30-6-109w 30-6-111w 30-6-111w 30-6-111w 30-6-1111w 30-6-1112 30-6-112w 30-6-112w 30-6-112w 30-6-113	Amended New New New New New New Amended New New New New New New New New New Amended New Amended Amended Amended Amended New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1723 V. 13, p. 1723 V. 13, p. 1723 V. 13, p. 1723	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-3-101 Amended 60-3-102 Amended 60-3-103 Amended 60-3-104 Amended 60-3-105 Amended 60-3-106 Amended 60-3-107 Amended 60-3-108 Amended 60-1-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-110 Amended 60-11-1108 Amended 60-11-1108 Amended 60-11-1108 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 366 V. 13, p. 1964 V. 13, p. 366 V. 13, p. 1984
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-59-5 28-59-7 28-65-3 28-65-3 28-67-11 through 28-67-12 Reg. No. 30-2-16 30-4-34 30-4-35w 30-4-41w 30-4-50w 30-4-50w 30-4-52w	Amended Revoked Amended Amended Amended New Amended New Amended New GENCY 30: 5 HABILITATI Action Amended Amended New New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1552 V. 13, p. 1645-1649 GOCIAL AND ON SERVICES  Register V. 13, p. 1645-1649 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686 V. 13, p. 1686	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-65w 30-6-77w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-103 30-6-103 30-6-106 30-6-106w 30-6-107w 30-6-109w 30-6-110w 30-6-111w 30-6-111w 30-6-111z 30-6-112	Amended New New New New New New Amended New New New New New New New New Amended New Amended Amended Amended New New Amended Amended Amended New New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1723 V. 13, p. 1723 V. 13, p. 1723 V. 13, p. 1723	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD CO Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended 60-7-106 Amended 60-7-107-107 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1754 V. 13, p. 1087 V. 13, p. 366
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-42 28-46-43 28-46-44 28-59-5 28-65-2 28-65-2 28-65-2 28-65-2 28-67-12 ACREI No. 30-4-34 30-4-35w 30-4-50w 30-4-53w 30-4-53w 30-4-54w	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: 5 HABILITATI Action Amended New New New New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686	30-6-56 30-6-56w 30-6-56w 30-6-60w 30-6-67w 30-6-72w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-85w 30-6-86w 30-6-103w 30-6-103w 30-6-106w 30-6-106w 30-6-107w 30-6-109w 30-6-111w 30-6-111w 30-6-111w 30-6-111a 30-6-112w 30-6-113w	Amended New New New New New Amended New New New New New New New New New Amended New Amended Amended New Amended Amended New Amended Amended Amended Amended New Amended Amended Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1722 V. 13, p. 1723 V. 13, p. 1722 V. 13, p. 1724 V. 13, p. 1725	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OR Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended 60-7-106 Amended 60-7-107-107 Amended 60-7-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-119 Amended 60-11-119 Amended 60-11-119 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 366 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-65-5 28-65-2 28-65-3 28-65-4 28-67-12 AREI Reg. No. 30-2-16 30-4-35 30-4-35 30-4-50 30-4-52 30-4-53 30-4-55 30-4-56 30-	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: S HABILITATI Action Amended Amended New New New New New New New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 14, p. 826 V. 13, p. 1685 V. 13, p. 1686	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-70w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w 30-6-86w 30-6-103w 30-6-106w 30-6-106w 30-6-107w 30-6-109w 30-6-111w 30-6-111w 30-6-111w 30-6-111aw 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w	Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1716 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1722 V. 13, p. 1724 V. 13, p. 1722 V. 13, p. 1725	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD O Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-101 Amended 60-7-104 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended 60-7-107-107 Amended 60-7-108 Amended 60-7-109 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-119 Amended 60-13-101 Amended 60-13-101 Amended 60-13-101 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 366 V. 13, p. 1964 V. 13, p. 366 V. 13, p. 1984
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-59-5 28-59-7 28-65-3 28-65-1 through 28-67-12 AREI Reg. No. 30-2-16 30-4-35w 30-4-52w 30-4-52w 30-4-55w 30-4-55w 30-4-58w	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: S HABILITATI Action Amended Amended New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 13, p. 1686	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-67w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-82w 30-6-85w 30-6-86w 30-6-86w 30-6-103 30-6-103 30-6-106 30-6-106w 30-6-109 30-6-109w 30-6-110w 30-6-111w 30-6-111w 30-6-111z 30-6-112w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-150w 30-6-150w 30-6-150w 30-6-150w 30-10-1a	Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 13, p. 1712 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1722 V. 13, p. 1724 V. 13, p. 1725 V. 13, p. 1725 V. 13, p. 1725 V. 13, p. 1726 V. 13, p. 1725	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD O Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-106 Amended 60-4-101 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-106 Amended 60-7-106 Amended 60-7-107-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-119 Amended 60-11-119 Amended 60-11-119 Amended 60-13-110 Amended 60-13-110 Amended 60-13-111 Amended 60-13-110 Amended 60-13-110 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 366 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-65-5 28-65-2 28-65-3 28-65-4 28-67-12 AREI Reg. No. 30-2-16 30-4-35 30-4-35 30-4-50 30-4-52 30-4-53 30-4-55 30-4-56 30-	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: S HABILITATI Action Amended Amended New New New New New New New New New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 158 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 13, p. 1686	30-6-56 30-6-56w 30-6-59w 30-6-60w 30-6-65w 30-6-70w 30-6-77w 30-6-77w 30-6-78w 30-6-81w 30-6-85w 30-6-85w 30-6-86w 30-6-86w 30-6-103w 30-6-106w 30-6-106w 30-6-107w 30-6-109w 30-6-111w 30-6-111w 30-6-111w 30-6-111aw 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w	Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1715 V. 13, p. 1717 V. 13, p. 1712 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1722 V. 13, p. 1724 V. 13, p. 1725 V. 13, p. 1725 V. 13, p. 1726	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended AGENCY 56: OFFICI ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD O Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-101 Amended 60-4-101 Amended 60-4-101 Amended 60-7-104 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-7-106 Amended 60-7-107-107 Amended 60-7-108 Amended 60-7-109 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-119 Amended 60-13-101 Amended 60-13-101 Amended 60-13-101 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 366 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086 V. 13, p. 1087 V. 13, p. 1086
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-59-5 28-59-5 28-65-2 28-65-3 28-65-1 28-67-12 Reg. No. 30-2-16 30-4-34 30-4-35w 30-4-50w 30-4-55w 30-4-55w 30-4-55w 30-4-58w 30-4-59w	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: 5 HABILITATI Action Amended New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686 V. 13, p. 1688	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-67w 30-6-77w 30-6-77w 30-6-78w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-86w 30-6-103w 30-6-103w 30-6-103w 30-6-107w 30-6-107w 30-6-107w 30-6-111w 30-6-111w 30-6-111w 30-6-111aw 30-6-112w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-110w 30-6-110w 30-6-111aw 30-6-111aw 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w	Amended New New New New New New Amended New New New New New New New New New Amended New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 834 V. 13, p. 1723 V. 13, p. 1722 V. 13, p. 1724 V. 13, p. 1724 V. 13, p. 1725 V. 13, p. 1726 V. 13, p. 1163 V. 13, p. 1165	44-13-403 Amended 44-13-408 Amended 44-13-704 Amended 44-14-302 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-100 Amended 60-3-101 Amended 60-4-103 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-119 Amended 60-11-119 Amended 60-13-101 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 1111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1754 V. 13, p. 1087 V. 13, p. 1087 V. 13, p. 1964 V. 13, p. 366
	28-46-34 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-46-43 28-59-5 28-59-5 28-59-7 28-65-2 28-65-3 28-65-4 28-67-12 AI REI Reg. No. 30-2-16 30-4-34 30-4-35w 30-4-50w 30-4-55w 30-4-59w 30-4-59w 30-4-60w	Amended Revoked Amended Amended Amended Amended New New Amended New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1551 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686 V. 13, p. 1687 V. 13, p. 1688	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-67w 30-6-72w 30-6-77w 30-6-78w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-103w 30-6-103w 30-6-106w 30-6-106w 30-6-106w 30-6-111w 30-6-111w 30-6-111w 30-6-112w 30-6-112w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-1150w 30-10-1b 30-10-1b	Amended New New New New New Amended New	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1715 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 833 V. 14, p. 834 V. 13, p. 1722 V. 13, p. 1722 V. 13, p. 1722 V. 13, p. 1722 V. 13, p. 1725 V. 13, p. 1726 V. 13, p. 1165 V. 13, p. 1165	44-13-403 Amended 44-13-408 Amended 44-13-603 Amended 44-13-704 Amended 44-14-302 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD O Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-106 Amended 60-4-101 Amended 60-4-101 Amended 60-4-103 Amended 60-7-104 Amended 60-7-106 Amended 60-7-106 Amended 60-7-107-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-119 Amended 60-11-119 Amended 60-11-119 Amended 60-13-110 Amended 60-13-110 Amended 60-13-111 Amended 60-13-110 Amended 60-13-110 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE SERAL Register V. 13, p. 89-91, 1111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1754 V. 13, p. 1086 V. 13, p. 1754 V. 13, p. 1086 V. 13, p. 1964 V. 13, p. 366 V. 13, p. 1964 V. 13, p. 366
	28-46-34 28-46-37 28-46-37 28-46-38 28-46-39 28-46-41 28-46-42 28-46-43 28-46-43 28-46-43 28-59-5 28-59-5 28-65-2 28-65-3 28-65-1 28-67-12 Reg. No. 30-2-16 30-4-34 30-4-35w 30-4-50w 30-4-55w 30-4-55w 30-4-55w 30-4-58w 30-4-59w	Amended Revoked Amended Amended Amended New New Amended New GENCY 30: 5 HABILITATI Action Amended New	V. 13, p. 155 V. 13, p. 354 V. 13, p. 354 V. 13, p. 354 V. 13, p. 156 V. 13, p. 159 V. 13, p. 1159 V. 13, p. 1551 V. 13, p. 1552 V. 13, p. 1685 V. 13, p. 1685 V. 13, p. 1686 V. 13, p. 1688	30-6-56 30-6-56w 30-6-56w 30-6-65w 30-6-67w 30-6-77w 30-6-77w 30-6-78w 30-6-85w 30-6-85w 30-6-85w 30-6-85w 30-6-86w 30-6-103w 30-6-103w 30-6-103w 30-6-107w 30-6-107w 30-6-107w 30-6-111w 30-6-111w 30-6-111w 30-6-111aw 30-6-112w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-113w 30-6-110w 30-6-110w 30-6-111aw 30-6-111aw 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w 30-6-110w	Amended New New New New New New Amended New New New New New New New New New Amended New Amended	V. 13, p. 734 V. 13, p. 1708 V. 13, p. 1708 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1710 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1711 V. 13, p. 1712 V. 13, p. 1712 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1713 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1714 V. 13, p. 1717 V. 13, p. 1719 V. 14, p. 834 V. 13, p. 1723 V. 13, p. 1722 V. 13, p. 1724 V. 13, p. 1724 V. 13, p. 1725 V. 13, p. 1726 V. 13, p. 1163 V. 13, p. 1165	44-13-403 Amended 44-13-408 Amended 44-13-704 Amended 44-14-302 Amended 44-14-302 Amended AGENCY 56: OFFICE ADJUTANT GEN Reg. No. Action 56-3-1 through 56-3-6 New AGENCY 60: BOARD OFFICE Reg. No. Action 60-3-102 Amended 60-3-104 Revoked 60-3-105 Amended 60-3-106 Amended 60-3-106 Amended 60-3-100 Amended 60-3-101 Amended 60-4-103 Amended 60-4-103 Amended 60-7-104 Amended 60-7-104 Amended 60-7-104 Amended 60-7-105 Amended 60-11-108 Amended 60-11-108 Amended 60-11-108 Amended 60-11-119 Amended 60-11-119 Amended 60-13-101 Amended	V. 13, p. 839 V. 13, p. 1758 V. 13, p. 1758 V. 13, p. 1759 V. 13, p. 841 E OF THE BERAL Register V. 13, p. 89-91, 1111-112 OF NURSING Register V. 13, p. 1498 V. 13, p. 365 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1964 V. 13, p. 1086 V. 13, p. 1086 V. 13, p. 1754 V. 13, p. 1087 V. 13, p. 1087 V. 13, p. 1964 V. 13, p. 366

AGENCY 63: BOARD OF MORTUARY ARTS	AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER	91-1-112a Revoked V. 13, p. 367 91-1-112b Revoked V. 13, p. 367
Reg. No. Action Register	그 사람 생님들이 되는 것이 되었다.	91-1-112c Amended V. 13, p. 310
63-1-3 Amended V. 14, p. 202	Reg. No. Action Register	91-1-112d Amended V. 13, p. 311
63-2-3 Amended V. 14, p. 202	81-2-1 Amended V. 14, p. 287	91-1-113a Revoked V. 13, p. 367
63-2-12 Amended V. 14, p. 203	81-5-7 Amended V. 13, p. 1355	91-1-113b Amended V. 13, p. 311
63-6-1 Amended V. 14, p. 203	81-5-12 New V. 14, p. 287	
63-6-2 Amended Vi 14, p. 203	AGENCY 82: STATE CORPORATION	91-12-23 Amended V. 14, p. 91
63-6-3 Amended V. 14, p. 204	, , , , , , , , , , , , , , , , , , ,	91-12-25 Amended V. 14, p. 91
	COMMISSION	91-12-29 Revoked V. 14, p. 92
AGENCY 66: BOARD OF	Reg. No. Action Register	91-12-34 Revoked V. 14, p. 92
TECHNICAL PROFESSIONS	82-3-101 Amended V. 14, p. 129	91-12-35 Amended V.14, p. 92
Reg. No. Action Register	82-3-103 Amended V. 14, p. 132	91-12-41 Amended V. 14, p. 92
66-6-1 Amended V. 13, p. 1992	82-3-106 Amended V. 14, p. 133	91-12-42 Amended V-14, p. 93
		91-12-51 Amended V. 14, p. 94
66-6-4 Amended V. 13, p. 1993	82-3-107 Amended V. 13, p. 531	91-12-54 Amended V. 14, p. 94
66-6-8 Amended V. 13, p. 1994	82-3-115 Amended V. 14, p. 134	01 10 50 4 4 4 4 4 7 04
66-6-9 Amended V. 13, p. 1994	82-3-115a New V. 14, p. 135	91-12-60 Amended V. 14, p. 95
66-7-3 New V. 13, p. 1994	82-3-115b New V. 14, p. 135	01' 12' 74 Novy V 14' n 95
66-8-4 Amended V. 13, p. 1994	82-3-116 Amended V. 14, p. 136	The state of the s
66-10-1 Amended V. 13, p. 1994	82-3-120 Amended V. 14, p. 136	AGENCY 99: BOARD OF AGRICULTURE—
66-10-3 Amended V. 13, p. 1994	82-3-138 Amended V. 13, p. 532	DIVISION OF WEIGHTS AND MEASURES
66-10-4 Amended V. 13, p. 1995	82-3-200 Amended V. 13, p. 532	Reg. No. Action Register
66-10-5 Revoked V. 13, p. 1995	82-3-203 Amended V. 13, p. 532	99-40-21
66-10-9 Amended V. 13, p. 1995	82-3-300 Amended V. 14, p. 137	ニー・コード こうしょう こうしゅう こうしょう かんしょう おおしょしょく
66-10-10 Amended V. 13, p. 1995	82-3-604 Amended V. 13, p. 532	through
66-10-10a Amended V. 13, p. 1995	82-3-605 Amended V. 13, p. 533	99-40-46 New V. 13, p. 1013-1015
		99-40-100 New V. 13, p. 1608
	82-4-1 Amended V. 13, p. 1929	99-40-101 New V. 13, p. 1608
66-10-12 Amended V. 13, p. 1996	82-4-3 Amended V. 13, p. 1930	99-40-104 New V. 13, p. 1608
66-11-3 Revoked V. 13, p. 1996	82-4-6d Amended V. 13, p. 1931	99-40-105 New V. 13, p. 1609
66-12-1 Amended V. 13; p. 1996	82-4-20 Amended V. 13, p. 1931	AGENCY 100: BOARD OF HEALING ARTS
AGENCY 67: BOARD OF HEARING	82-4-22 Amended V. 13, p. 1190	
AID EXAMINERS	82-4-23 Amended V. 13, p. 1190	Reg. No. Action Register
$R^{**}$ . • • •	82-4-24a Amended V. 13, p. 1191	100-10a-1 Amended V. 13, p. 637
T ( 1980)	82-4-27 Amended V. 13, p. 1191	100-24-1 Amended V. 13, p. 638
67-2-4 Amended V. 14, p, 66	82-4-27a Amended V. 13, p. 1191	100-26-1 New V. 13, p. 638
AGENCY 68: BOARD OF PHARMACY	82-4-27f Amended V. 13, p. 1192	100-35-7 Amended V. 13, p. 638
	82-4-28 Amended V. 13, p. 1192	100-38-1 Amended V. 14, p. 676
Reg. No. Action Register	82-4-29a Amended V. 13, p. 1193	100-46-3 Amended V. 13, p. 638
68-1-1a Amended V. 14, p. 124	82-4-30a Amended V. 13, p. 1193	100-46-5 Amended V. 13, p. 638
68-1-1f Amended V. 14, p. 125	82-4-31 Amended V. 13, p. 1193	100-60-13 Amended V. 13, p. 638
68-2-12a Amended V. 14, p. 125	82-4-32 Amended V. 13, p. 1193	
68-2-20 Amended V. 14, p. 125	82-4-33 Amended V. 13, p. 1194	AGENCY 102: BEHAVIORAL SCIENCES
68-7-12a Amended V. 14, p. 125	82-4-35a Amended V. 13, p. 1194	REGULATORY BOARD
68-7-14 Amended V. 14, p. 126	82-4-37 Amended V. 13, p. 1194	Reg. No. Action Register
68-11-1 Amended V. 13, p. 534		102-1-1 Amended V. 14, pt-1014
68-11-2 Amended V. 13, p. 535		102-1-1 Amended 198 798 V. 14, p. 1488
	82-4-42 Amended V. 13, p. 1194	
68-14-1 Amended V. 14, p. 126	82-5-13 Amended V. 14, p. 1047	102-1-5 Amended V. 14, p. 488
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535	82-5-13 Amended V. 14, p. 1047 82-8-100	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126	82-5-13 Amended V. 14, p. 1047 82-8-100 through	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 4015 102-1-13 Amended V. 14, p. 1016
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128	82-5-13 Amended V. 14, p. 1047 82-8-100 through	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 4015 102-1-13 Amended V. 14, p. 1016
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 489
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 489 102-4-2 Amended V. 14, p. 1016
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 490
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 1016 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF  COSMETOLOGY  Reg. No. Action Register 69-13-1 New, V. 13, p. 1825 69-13-2 New V. 13, p. 1825	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 489 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF  COSMETOLOGY  Reg. No. Action Register 69-13-1 New, V. 13, p. 1825 69-13-2 New V. 13, p. 1825	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF  COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 489 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 492
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF  COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF  VETERINARY MEDICAL EXAMINERS	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 489 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-4 New V. 14, p. 797
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 489 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 796 102-6-1 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 798
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-9 New V. 14, p. 798
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-6 New V. 14, p. 797 102-6-9 New V. 14, p. 798 102-6-10 New V. 14, p. 798
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-9 New V. 14, p. 798
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 Amended V. 14, p. 90	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-6 New V. 14, p. 797 102-6-9 New V. 14, p. 798 102-6-10 New V. 14, p. 798
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 445 70-6-1 New V. 13, p. 1681	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 975	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 792 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 799 102-6-11 New V. 14, p. 799 102-6-11 New V. 14, p. 799
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 Amended V. 14, p. 90	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-4-10 Amended V. 14, p. 991 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 445 70-6-1 New V. 13, p. 1681	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 991 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799  AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 445 70-6-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 677-680	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-4-10 Amended V. 14, p. 991 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 991 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799  AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg: No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-1 Amended V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1681	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 677-680	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 797 102-6-1 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-10 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-13 New V. 14, p. 799 102-6-14 New V. 14, p. 799 102-6-15 New V. 14, p. 799 102-6-16 New V. 14, p. 799 102-6-17 New V. 14, p. 799 102-6-18 New V. 14, p. 799 102-6-19 New V. 14, p. 799 102-6-10 New V. 14, p. 799 102-6-10 New V. 14, p. 799 102-6-11 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-13 New V. 14, p. 799 102-6-14 New V. 14, p. 799 102-6-15 New V. 14, p. 799 102-6-16 New V. 14, p. 799 102-6-17 New V. 14, p. 799 102-6-18 New V. 14, p. 799 102-6-19 New V. 14, p. 799 102-6-10 New V. 14, p. 799
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS  Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 New V. 13, p. 445 70-6-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1685 71-1-17 Amended V. 13, p. 1085	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 677-680 91-1-68e New V. 14, p. 681	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 489 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-6-1 New V. 14, p. 796 102-6-1 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-9 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 102-6-13 New V. 14, p. 799 102-6-14 New Register 105-2-1 Amended V. 13, p. 183 105-3-11 New V. 13, p. 183
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 126 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS  Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 New V. 13, p. 445 70-6-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1685 71-1-17 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68c New V. 14, p. 677-680 91-1-68e New V. 14, p. 681 91-1-70a New V. 14, p. 682 91-1-70b New V. 14, p. 682	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-9 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS DEFENSE SERVICES Reg. No. Action Register 105-2-1 Amended V. 13, p. 183 105-3-11 New V. 13, p. 184 105-5-2 Amended V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS  Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 New V. 13, p. 445 70-6-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1685 71-1-17 Amended V. 13, p. 1085	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 677-680 91-1-68a through 91-1-68b New V. 14, p. 681 91-1-70a New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-85 Amended V. 13, p. 976	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-7 Revoked V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 796 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES  Reg. No. Action Register 105-2-1 Amended V. 13, p. 183 105-3-11 New V. 13, p. 183 105-10-1 Revoked V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS  Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 Amended V. 13, p. 445 70-6-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1685 71-1-17 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68a through 91-1-68a New V. 14, p. 687-680 91-1-68e New V. 14, p. 681 91-1-70b New V. 14, p. 682 91-1-85 Amended V. 13, p. 976 91-1-92 Amended V. 13, p. 976	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 796 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-6 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS DEFENSE SERVICES Reg. No. Action Register 105-2-1 Amended V. 13, p. 183 105-3-11 New V. 13, p. 184 105-10-1a New V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New, V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS  Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1685 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 677-680 91-1-68e New V. 14, p. 681 91-1-70a New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-70b New V. 13, p. 976 91-1-92 Amended V. 13, p. 976 91-1-93a Amended V. 13, p. 976 91-1-93a Amended V. 13, p. 976	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-5-2 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 796 102-6-1 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-13 New V. 14, p. 799 102-6-14 New V. 14, p. 799 102-6-15 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 799 102-6-12 New V. 14, p. 799 102-6-13 New V. 14, p. 799 105-2-1 Amended V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-1 New V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS  Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 445 70-6-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1685 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 AGENCY 74: BOARD OF ACCOUNTANCY Reg. No. Action Register 74-5-202 Amended V. 13, p. 1152	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 677-680 91-1-68a through 91-1-68b New V. 14, p. 681 91-1-70a New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-92 Amended V. 13, p. 976 91-1-92 Amended V. 13, p. 976 91-1-93a Amended V. 13, p. 977 91-1-102 Revoked V. 13, p. 977	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 489 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 797 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS DEFENSE SERVICES  Reg. No. Action Register 105-2-1 Amended V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-3 New V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 AGENCY 74: BOARD OF ACCOUNTANCY Reg. No. Action Register 74-5-202 Amended V. 13, p. 1152 74-5-202 Amended V. 13, p. 1152	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 677-680 91-1-68b New V. 14, p. 681 91-1-70a New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-85 Amended V. 13, p. 976 91-1-92 Amended V. 13, p. 976 91-1-93a Amended V. 13, p. 976 91-1-102 Revoked V. 13, p. 977 91-1-102 Revoked V. 13, p. 977 91-1-102 Revoked V. 13, p. 977 91-1-102 Revoked V. 13, p. 976 91-1-102 Revoked V. 13, p. 976	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 489 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-9 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES  Reg. No. Action Register 105-2-1 Amended V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg: No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-16 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-5-202 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 74-12-1 Amended V. 13, p. 1152	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68a hew V. 14, p. 681 91-1-68a New V. 14, p. 681 91-1-70a New V. 14, p. 682 91-1-85 Amended V. 13, p. 976 91-1-92 Amended V. 13, p. 976 91-1-93a Amended V. 13, p. 976 91-1-93a Amended V. 13, p. 976 91-1-92 Amended V. 13, p. 976 91-1-102 Revoked V. 13, p. 308 91-1-102 Revoked V. 13, p. 308 91-1-104 Revoked V. 13, p. 308	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-4-10 Amended V. 14, p. 796 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS DEFENSE SERVICES Reg. No. Action Register 105-2-1 Amended V. 13, p. 183 105-10-1 Revoked V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-3 New V. 13, p. 184 105-10-5 New V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg: No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-16 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-5-202 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 74-12-1 Amended V. 13, p. 1152	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68a here 91-1-68a New V. 14, p. 681 91-1-68a New V. 14, p. 681 91-1-68b New V. 14, p. 682 91-1-70a New V. 14, p. 682 91-1-10b New V. 14, p. 682 91-1-101 New V. 13, p. 976 91-1-92 Amended V. 13, p. 976 91-1-93 Amended V. 13, p. 976 91-1-102 Revoked V. 13, p. 367 91-1-104 Revoked V. 13, p. 367	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 489 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-8 New V. 14, p. 797 102-6-9 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES  Reg. No. Action Register 105-2-1 Amended V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 74-5-202 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 74-12-1 Amended V. 13, p. 1152 AGENCY 75: CONSUMER CREDIT	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68d Amended V. 14, p. 687-680 91-1-68a New V. 14, p. 681 91-1-70a New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-92 Amended V. 13, p. 976 91-1-93 Amended V. 13, p. 976 91-1-93 Amended V. 13, p. 976 91-1-104 Revoked V. 13, p. 367 91-1-104a Revoked V. 13, p. 367	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-3 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-4 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-3 New V. 14, p. 797 102-6-4 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-6 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS DEFENSE SERVICES  Reg. No. Action Register 105-2-1 Amended V. 13, p. 183 105-3-1 New V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-5 New V. 13, p. 184
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 AGENCY 74: BOARD OF ACCOUNTANCY Reg. No. Action Register 74-5-202 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 74-12-1 Amended V. 13, p. 1152 AGENCY 75: CONSUMER CREDIT COMMISSIONER	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68a through 91-1-68a 4 Mended V. 14, p. 677-680 91-1-68a 91-1-70a New V. 14, p. 681 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-92 Amended V. 13, p. 976 91-1-93 Amended V. 13, p. 976 91-1-104 Revoked V. 13, p. 367 91-1-104 Revoked V. 13, p. 367 91-1-104a Revoked V. 13, p. 367 91-1-104a Revoked V. 13, p. 367 91-1-104b Amended V. 13, p. 309 91-1-104c Amended V. 13, p. 309	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-3 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 492 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 796 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-6 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES Reg. No. Action Register 105-2-1 Amended V. 13, p. 183 105-10-1 Revoked V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-5 New V. 13, p. 184 105-10-5 New V. 13, p. 185 AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES Reg. No. Action Register
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS  Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 14, p. 90 70-5-1 Amended V. 13, p. 445 70-6-1 New V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 71-3-4 DARD OF ACCOUNTANCY Reg. No. Action Register 74-5-203 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 AGENCY 75: CONSUMER CREDIT COMMISSIONER Reg. No. Action Register	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg, No. Action Register 88-12-1 through 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68a through 91-1-68a New V. 14, p. 687-680 91-1-68a New V. 14, p. 681 91-1-70b New V. 14, p. 682 91-1-1004 Revoked V. 13, p. 367 91-1-102 Revoked V. 13, p. 367 91-1-104 Revoked V. 13, p. 367 91-1-104 Revoked V. 13, p. 367 91-1-104c Amended V. 13, p. 309	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-13 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 490 102-4-5 Amended V. 14, p. 491 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 1016 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 796 102-6-5 New V. 14, p. 797 102-6-5 New V. 14, p. 797 102-6-6 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS DEFENSE SERVICES Reg. No. Action Register 105-2-1 Amended V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-5 New V. 13, p. 184 105-10-5 New V. 13, p. 185 AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES Reg. No. Action Register
68-14-1 Amended V. 14, p. 126 68-20-9 Amended V. 13, p. 535 68-20-15a Amended V. 14, p. 126 68-20-18 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 127 68-20-19 Amended V. 14, p. 128  AGENCY 69: BOARD OF COSMETOLOGY  Reg. No. Action Register 69-13-1 New V. 13, p. 1825 69-13-2 New V. 13, p. 1825 69-13-3 New V. 13, p. 1825 AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS Reg. No. Action Register 70-1-4 New V. 13, p. 1681 70-1-5 New V. 13, p. 1681 70-3-1 Amended V. 14, p. 90 70-3-2 Amended V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-3-4 Revoked V. 14, p. 90 70-5-1 Amended V. 13, p. 1681 AGENCY 71: KANSAS DENTAL BOARD Reg. No. Action Register 71-1-13 Revoked V. 14, p. 68 71-1-16 Amended V. 13, p. 1085 71-1-17 Amended V. 13, p. 1085 71-3-3 Amended V. 13, p. 1085 AGENCY 74: BOARD OF ACCOUNTANCY Reg. No. Action Register 74-5-202 Amended V. 13, p. 1152 74-5-203 Amended V. 13, p. 1152 74-12-1 Amended V. 13, p. 1152 AGENCY 75: CONSUMER CREDIT COMMISSIONER	82-5-13 Amended V. 14, p. 1047 82-8-100 through 82-8-108 Revoked V. 14, p. 1047 82-12-1 through 82-12-9 New V. 14, p. 1048, 1049 AGENCY 86: REAL ESTATE COMMISSION Reg. No. Action Register 86-2-8 New V. 13, p. 1108 AGENCY 88: BOARD OF REGENTS Reg. No. Action Register 88-12-1 through 88-12-8 Amended V. 13, p. 1542 AGENCY 91: DEPARTMENT OF EDUCATION Reg. No. Action Register 91-1-30a Amended V. 13, p. 975 91-1-56 Amended V. 13, p. 308 91-1-68a through 91-1-68a through 91-1-68a 4 Mended V. 14, p. 677-680 91-1-68a 91-1-70a New V. 14, p. 681 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-70b New V. 14, p. 682 91-1-92 Amended V. 13, p. 976 91-1-93 Amended V. 13, p. 976 91-1-104 Revoked V. 13, p. 367 91-1-104 Revoked V. 13, p. 367 91-1-104a Revoked V. 13, p. 367 91-1-104a Revoked V. 13, p. 367 91-1-104b Amended V. 13, p. 309 91-1-104c Amended V. 13, p. 309	102-1-5 Amended V. 14, p. 488 102-1-10 Amended V. 14, p. 1015 102-1-3 Amended V. 14, p. 1016 102-2-3 Amended V. 14, p. 1016 102-3-2 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-1 Amended V. 14, p. 1016 102-4-2 Amended V. 14, p. 499 102-4-5 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 490 102-4-6 Amended V. 14, p. 491 102-4-7 Revoked V. 14, p. 491 102-4-10 Amended V. 14, p. 492 102-5-2 Amended V. 14, p. 796 102-6-1 New V. 14, p. 796 102-6-2 New V. 14, p. 797 102-6-3 New V. 14, p. 797 102-6-4 New V. 14, p. 797 102-6-5 New V. 14, p. 798 102-6-10 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-11 New V. 14, p. 798 102-6-12 New V. 14, p. 799 AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES Reg. No. Action Register 105-2-1 Amended V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 Revoked V. 13, p. 184 105-10-1 New V. 13, p. 184 105-10-5 New V. 13, p. 185 AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

					•		<i>i</i>		
	109-8-1	Amended	V. 13, p. 1650	111-4-100	Amended	V 14 = 072	111 4 000	500	on consiste attack
	109-10-1	Amended				V. 14, p. 972	111-4-336	- ·	
		· ·	V. 14, p. 1242	111-4-101	Amended	V. 14, p. 972	through		
	109-10-5	New	V. 13, p. 1651	111-4-102	Amended	V. 12, p. 1114	111-4-345	New	V. 10, p. 1526-1528
	AC!	ENCY 110: DEPAR	TMENT OF	111-4-103	Amended	V. 10, p. 1211	111-4-336		Barrier and The Control
				111-4-104	Amended	V. 14, p. 972	through		4.34
	C	DMMERCE AND I	HOUSING	111-4-105	Amended	V. 14, p. 972		· A	37 10 - 1071 1070
	Reg. No.	Action	Register				111-4-340	Amended	V. 12, p. 1371, 1372
				111-4-106	Amended	V. 14, p. 973	111-4-341	Revoked	V. 11, p. 1473
	110-7-1		and the second second	111-4-106a	Amended	V. 14, p. 974	111-4-341a	Revoked	V. 12, p. 1372
	through		V. 13, p. 1407, 1408	111-4-107	Amended	V. 11, p. 978	111-4-341b		
	110-7-4	New	1571, 1572	111-4-108	Amended	V. 14, p. 974			V. 12, p. 1372
	110-40-5	Amended	V. 13, p. 1132	111-4-110			111-4-341c	New	V. 12, p. 1664
		· · · · · · · · · · · · · · · · · · ·	1. 10, p. 1102		Amended	V. 11, p. 978	111-4-344	Amended	V. 12, p. 1373
	AGE	NCY 111: KANSA	S LOTTERY	111-4-111	Amended •	V. 9, p. 1366	111-4-346		
				111-4-112	Amended	V. 14, p. 974		1.0	
	Reg. No.	Action	Register	111-4-113	Amended	V. 9, p. 1366	through		
	111-1-2	Amended	V. 7, p. 1190	111-4-114	Amended		111-4-361	New	V. 10, p. 1586-1589
	111-1-5	Amended	V. 13, p. 1045		Amenaea	V. 9, p. 1366	111-4-356		V
	111-2-1			111-4-153			through		
		Amended	V. 14, p. 311	through				Davidod	V 14 = 7
	111-2-2	Amended	V. 12, p. 1261	111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-361	Revoked	V. 14, p. 7
	111-2-2a	Revoked	V. 9, p. 1675	111-4-177			111-4-346		The State of the S
	111-2-6	Revoked	V. 13, p. 149				through		The first transfer of the second
	111-2-7	Revoked	V. 10, p. 1210	through	<u> </u>	مستقم مستمام الماعوان الالا	111-4-349	Revoked	V. 12, p. 114
	111-2-13	Revoked		111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-362	***************************************	,
			V. 10, p. 881	111-4-213					*** **********************************
	111-2-14	Amended	V. 13, p. 1435	through		4	through		
	111-2-15	Revoked	V. 10, p. 881	111-4-220	Revoked	V. 10, p. 1213	111-4-365	Revoked	V. 12, p. 114, 115
	111-2-16	Revoked	V. 10, p. 1210				111-4-362	Amended	V. 11, p. 13
	111-2-17	Revoked	V. 10, p. 1210	111-4-217	Amended	V. 9, p. 986	111-4-366		
	111-2-18	Revoked		111-4-221					
			V. 11, p. 413	through			through		
	111-2-19	Revoked	.V. 11, p. 413	111-4-224	Revoked	V. 10, p. 1585	111-4-379	New	V. 11, p. 136-139
	111-2-20			111-4-225			111-4-366	* *	ertaga kur - Turut ut in
	through						through		A STATE OF THE STA
	111-2-26	Revoked	V. 13, p. 1401	through				Danahad	37 10 1079
	111-2-27	Revoked		111-4-228	Revoked	V. 10, p. 1585	111-4-369	Revoked	V. 12, p. 1373
			V. 14, p. 972	111-4-229	,		111-4-370	1 ,	AND THE RESERVE OF THE PARTY OF
	111-2-28	New	V. 12, p. 1844	through		and the second second	through		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	111-2-29	Revoked	V. 14, p. 972		Revoked	V. 10, p. 1585, 1586	111-4-379	Revoked	V. 14, p. 7, 8
	111-2-30	Amended	V. 14, p. 403	111-4-236	Revoked	v. 10, p. 1363, 1366	111-4-380	110.01104	V, P, S
	111-2-31	New	V. 14, p. 170	111-4-237					
	111-2-32	New		through			through		and the second second
		. ** /	V. 14, p. 311	111-4-240	Revoked	V. 11, p. 413	111-4-383	Revoked	V. 12, p. 1664
	111-2-33	New	V. 14, p. 312	111-4-241			111-4-384		
	111-2-34	Amended	V. 14, p. 722	through			through		and the second second second
	111-2-35	New	V. 14, p. 796		70 1 1	11.40 4074	111-4-387	Revoked	V 10 - 1979
	111-2-36	New	V. 14, p. 908	111-4-244	Revoked	V. 12, p. 1371	'	Kevokea	V. 12, p. 1373
<i>)</i>	111-2-37	New	V. 14, p. 1094	111-4-245			111-4-388		
1				through			through		21 × 10 × 10
1	111-3-1	Amended	V. 14, p. 908	111-4-248	Revoked	V. 12, p. 1371	111-4-400	New	V. 11, p. 478-481
٠.	111-3-6	Amended	V. 12, p. 677	111-4-249	nevonea	v. 12, p. 10, 1	111-4-388		
,	111-3-9	Revoked	V. 11, p. 1793						- 13 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3
	111-3-10	· · · · · · · · · · · · · · · · · · ·		through			through		
	through	1 1 1	The second second	111-4-256	Revoked	V. 12, p. 113, 114	111-4-391	Revoked	V. 12, p. 1373
		Manual Co.	17 7 - 001 006	111-4-257			111-4-392	Amended	V. 12, p. 520
	111-3-31	New	V. 7, p. 201-206	through			111-4-394		37 - 13
	111-3-11	Amended	V. 13, p. 35	111-4-286	Revoked	V 11 - 412 414			
	111-3-12	Amended	V. 13, p. 1826		Revoked	V. 11, p. 413, 414	through		
	111-3-13	Amended	V. 11, p. 1148	111-4-287			111 <del>-4-40</del> 0	Amended	V. 12, p. 521, 522
,	111-3-14	Amended	V. 13, p. 1826	through		* .	111-4-401	4.3	
-	111-3-16			111-4-300	` New	V. 10, p. 883-886	through		
		Amended	V. 9, p. 1566	111-4-287	17 N 8 1 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		111-4-404	Revoked	V. 12, p. 1373
	111-3-19	7 3	3 6 3 3 3 3 3 4 3 4 3 4 3 4 3 4 3 4 3 4	through				Nevoked	v. 12, p. 10/3
	through		and the second second		D 1 3	V 10 1071	111-4-405		
	111-3-22	Amended	V. 9, p. 30	111-4-290	Revoked	V. 12, p. 1371	through	•	
	111-3-19	Revoked	V. 13, p. 1827	111-4-291			111-4-413	New `	V. 11, p. 756, 757
	111-3-20	Amended	V. 11, p. 1148	through	**		111-4-405	Amended	V. 14, p. 723
				111-4-300	Revoked	V. 12, p. 114			
	111-3-21	Amended	V. 11, p. 1148	111-4-301			111-4-407	Amended	V. 13, p. 877
	111-3-22	Amended	V. 11, p. 1148		•		111-4-408	Amended	V. 14, p. 723
	111-3-23	Revoked	V. 10, p. 883	through	n		111-4-409	Amended	V. 14, p. 723
	111-3-25	Amended	V. 13, p. 1827	111-4-307	Revoked	V. 13, p. 1402	111-4-411	Amended	V. 14, p. 1094
-	111-3-26	Amended	V. 11, p. 1149	111-4-301	Amended	V. 12, p. 1115			
				111-4-303	Amended	V. 12, p. 1115	111-4-412	Amended	V. 11, p. 1475
	111-3-27	Amended	V. 11, p. 1149	111-4-304	Amended		111-4-413	Amended	V. 11, p. 1475
	111-3-29	Revoked	V. 11, p. 1149	and the second s		V. 12, p. 1115	111-4-414		
	111-3-31	Amended	v V. 8, p. 209	111-4-306	Amended	V. 12, p. 1115	through		in the second second
	111-3-32	Amended	V. 10, p. 883	111-4-308	1.0			Davider 1	
	111-3-33	3.1	77 77 4404	through			111-4-428	Revoked	V. 14, p. 8
	111-3-34			111-4-320	New	V. 10, p. 1214, 1215	111-4-414	Amended	V. 11, p. 1150
		New		111-4-308			111-4-429	1.0	and the second
	111-3-35	Amended	V. 14, p. 909		Amended	V. 12, p. 1261	through		, X.7.
	111-3-36	New	V. 13, p. 877	111-4-311	Amended	V. 12, p. 1262	111-4-432	Revoked	V 10 m 1272
	111-3-37	New	V. 13, p. 877	111-4-312	Amended	V. 12, p. 1262		VE AOVEG	V. 12, p. 1373
	111-4-1	•	- 10 to 10 t	111-4-313	Amended	V. 12, p. 1262	111-4-433	7	ten ş ii
	through		Α	111-4-318			through		4.0
		Revoked	V 10 - 110	through			111-4-436	Revoked	V. 12, p. 1374
	111-4-5		V. 12, p. 113		n		111-4-437		
	111-4-5a	Revoked	V. 12, p. 113	111-4-321	Revoked	V. 12, p. 114		· · · · · · · · · · · · · · · · · · ·	0.00
	111-4-6			111-4-322			through		
-	through		and the second second	through		•	111-4-444	New	V. 11, p. 1475-1477
	111-4-15	Revoked	V. 12, p. 113	111-4-331	New	V. 10, p. 1411-1413	111-4-437		na na kaominina dia kacamatan kacamatan kacamatan kacamatan kacamatan kacamatan kacamatan kacamatan kacamatan k
	111-4-66		, p	111-4-322		, F	through	0	J. 100
							111-4-440	Revoked	V. 12, p. 1374
	through	* * .		through	n			ALL VORCH	7. 12, p. 10/4
	111-4-77	New	V. 7, p. 207-209	111-4-327	Revoked	V. 12, p. 1371	111-4-441		
7	111-4-96			111-4-328			through		
	through			through		and the state of the second	111-4-443	Revoked	V. 14, p. 8
	111-4-114	New	V. 7, p. 1606-1610	111-4-335	Revoked	V. 12, p. 114			(continued)
						F			(/

	28 247 CHAT		111-4-683	gar din and		111-7-54	Amended	V. 11, p. 1511
through		37. 11 1704 1704	through	Nove	V 14 m 404-406	111-7-55		- 14章 と 11 m ARD - 1 m A
111-4-453 111-4-445	New	V. 11, p. 1794-1796	111-4-694 111-4-695	New	V. 14, p. 404-406	through 111-7-63	and the second s	V. 10, p. 1217
	villa nasti	9 (41.)	through	10 mg 1 mg		111-7-60	210.011011	V. 10, p. 262
.11-4-448		V. 12, p. 1374	111-4-702	New	V. 14, p. 725-727	111-7-64		Reserved Transfer
111-4-449		antine Salant	111-4-703	, F.T.		through		5.1.50
through	·	Colored Solo St.	through	i Arriva		111-7-75	New	V. 11, p. 43/14
111-4-453		V. 14, p. 8	111-4-723	New	V. 14, p. 909-914	111-7-66	Amended	V. 13, p. 1049
111-4-454			111-4-724		The grown consider the	111-7-66a	Revoked	Vi 13, p. 340
through		សូមមនុស្ស (១០១៩) ស្រុក (១០១៩) ការប្រជាពលរដ្ឋបានស្រុក (១០១៩)	through			111-7-76		shroph (Net-11)
111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-736	New	V. 14, p. 978-981	through 111-7-78	the second second	Vi 11, p. 1478-1480
111-4-466	¥' ₹	of a section of the section of	111-4-737 through			111-7-79	New Revoked	V. 13; p. 340
through		25 10 10 10 10 10 10 10 10 10 10 10 10 10	111-4-749	New	V. 14, p. 1095-1098	111-7-80		oforeast 1 2 65-511
		V. 12, p. 316, 317	111-5-1	INCM	v. 14, p. 1030-1030	through		and service and the Control of the
	APAGUANA APAGUANA		through			111-7-83		V. 11, p. 1478-1480
through 111-4-473		V. 12, p. 316, 317	111-5-23	New	V. 7, p. 209-213	111-7-81	Amended /	V. 13, p. 1406
111-4-466	INCW	And the state of t	111-5-9			111-7-84	· .	ระสายกระ
	ing the property of the second		through	4.		through	3 to 1	English Printer
111-4-469	Revoked	V. 12, p. 1665	111-5-15	Amended	V. 8, p. 210, 211	111-7-90		· · · · · V. 12, p. 677, 678
111-4-470		V. 12, p. 522	111-5-11	Amended	V. 9, p. 505	111-7-91	and the second second	diseased Schittle
111-4-474	:-		111-5-12	Amended	V. 11, p. 415	through	The state of the s	To seek a despitation
	10 <b>5</b> 5 / 30 <b>0</b> 1		111-5-17	Amended	V. 8, p. 211	111-7-94		V.13, p. 340
111-4-488	New	V. 12, p. 522-524	111-5-18	Amended	V. 10, p. 13	111-7-98	New	V. 12, p. 914.
111-4-478		ang na ya <b></b>	111-5-19	Amended	V. 8, p. 212	111-7-99		
through	~ 	Andreas Services	111-5-21	14.7		through	Nour LA 18	U 19 - /1974 1977
	Revoked	V. 14, p. 974, 975	through	Nor	V 11 m A1E A10	111-7-105	New	V. 12, p. 1376, 1377
111-4-493			111-5-33 111-5-22	New Amended	V. 11, p. 415-418	111-7-106 through		m A
hrough		in the same	111-5-22 111-5-23	Amenaea Amended	V. 13, p. 1438 V. 11, p. 481	111-7-112		V- 13, p. 1568, 1569
11-4-496	New	V. 12, p. 525	111-5-24	Amended	V. 11, p. 983	111-7-113		edition is a religible
	Arks A.	emakes 5 a	111-5-25	Amended	V. 11, p. 482	through		enerande et Sjelette. mer jeven 7 – Sjelette
hrough			111-5-27	Amended	V. 11, p. 482	111-7-117		V. 14, p.⇒171
11-4-512	Revoked	V. 14, p. 975	111-5-28	Amended	V. 12, p. 317	111-8-1	New	V. 7, p. 1633
11-4-513	•		111-5-34	New	V. 12, p. 318	111-8-2	New	V. 7, p. 1633
hrough	´		111-5-34a	Amended	V. 14, p. 1098	111-8-3	Amended	V. 10, p. 886
11-4-521	New	V. 12, p. 1374, 1375	111-5-35		, in the state of	111-8-4	New	V. 7, p. 1714
11-4-519	Amended	V. 14, p. 1095	through		and the second second	111-8-4a	Revoked	V. 13, p. 1406
11-4-522			111-5-38	Revoked	V. 13, p. 1439	111-8-5	· · · · · · · · · · · · · · · · · · ·	
hrough	Danalaad	V 14 - 075 077	111-6-1	•		through		
11-4-571	Revoked	V. 14, p. 975-977	through			111-8-13	New	V. 7, p. 1634
11-4-572			111-6-15	New	V. 7, p. 213-217	111-8-14	New	V. 13, p. 881
through 111-4-585	Now	V. 13, p. 878-880	111-6-1	Amended	V. 13, p. 339	111-8-15	New	V. 13, p. 881
111-4-572	New Amended		111-6-3	Amended	V. 14, p. 313	111-9-1	. 4,	
111-4-574	Amended	V. 14, p. 723	111-6-4	Amended	V. 10, p. 1413	through 111-9-12	Man	V. 7, p. 1714-1716
111-4-575	Amended	V. 14, p. 724 V. 14. p. 724	111-6-5 111-6-6	Amended Amended	V. 13, p. 1405 V. 11, p. 1973	111-9-12	New	v. 7, p. 1714-1716
11-4-576	Amended	V. 14, p. 724 V. 14, p. 724	111-6-7	Amended	V. 11, p. 1477 V. 11, p. 1477	through		
111-4-577	Amended	V. 14, p. 724 V. 14, p. 724	111-6-7a	New	V. 12, p. 1118	111-9-6	Revoked	V. 9, p. 1680
11-4-579	Amended	V. 14, p. 724 V. 14, p. 724	111-6-8	Revoked	V. 12, p. 1263	111-9-13	1,CVOICG	
11-4-581	Amended	V. 14, p. 725	111-6-9	Revoked	V. 14, p. 313	through		
11-4-582	Amended	V. 14, p. 725 V. 14, p. 725	111-6-11	Revoked	V. 12, p. 1376	111-9-18	Revoked	V. 9, p. 1680
11-4-583	Amended	V. 14, p. 725 V. 14, p. 725	111-6-12	Amended	V. 8, p. 212	111-9-25		
11-4-584	Amended	V. 14, p. 725 V. 14, p. 725	111-6-13	Amended	V. 8, p. 299	through		and the second second
11-4-586	michaea	v. 14, p. 725	111-6-15	Amended	V. 12, p. 677	111-9-30	New	V. 9, p. 699, 700
rough			111-6-17	Revoked	V. 10, p. 1475	111-9-31		
11-4-606	Revoked	V. 14, p. 977, 978	111-6-18	New	V. 13, p. 150	through		
11-4-607			111-6-19	New	V. 13, p. 340	111-9-36	New	V. 10, p. 262
nrough			111-6-20	New	V. 13, p. 340	111-9-37		
11-4-619	New	V. 13, p. 1436-1438	111-6-21	New	V. 13, p. 881	through	** i	37 4h 4400 44
11-4-616		* * <del></del>	111-6-22	New	V. 13, p. 881	111-9-48	New	V. 10, p. 1439, 1440
rough			111-6-23	New	V. 13, p. 881	111-9-49		
11-4-623	Revoked	V. 14, p. 978	111-7-1	· · · · · · · · · · · · · · · · · · ·		through	Norm	V 10 010 010
11-4-624		* *	through	Nove	V 7 - 1100 1100	111-9-54 111-9-55	New	V. 12, p. 318, 319
ırough			111-7-10 111-7-1	New Amended	V. 7, p. 1192, 1193 V. 8, p. 212	through		
11-4-652	New	V. 13, p. 1828-1835	111-7-1	Amended	V. 11, p. 1796	111-9-60	New	V. 12, p. 1263, 1264
11-4-640	Amended	V. 13, p. 1922	111-7-3a	Revoked	V. 13, p. 340	111-10-1	• • • • • • • • • • • • • • • • • • • •	, [,
11-4-652	Amended	V. 13, p. 1922	111-7-54	Amended	V. 9, p. 1367	through		
11-4-653			111-7-5	Amended	V. 9, p. 986	111-10-9	New	V. 8, p. 136-138
rough		2012 10 10 10 10 10	111-7-6	Amended	V. 9, p. 987	111-10-7	Amended	V. 8, p. 301
1-4-664	New	V. 13, p. 1923-1925	111-7-9	Amended	V. 12, p. 1263		,	
11-4-665	•		111-7-11	Amended	V. 10, p. 1475	AG	ENCY 112: KAI	NSAS RACING
irough		***	111-7-12		· •			the state of the s
11-4-669	New	V. 14, p. 8, 9	through			Reg. No.	Action	Register
11-4-670		<u> </u>	111-7-32	New	V. 7, p. 1194-1196	112-3-16	Amended	V. 14, p. 751
rough		37 44 480	111-7-33			112-4-1	Amended	V. 14, p. 200
11-4-673	New	V. 14, p. 170	through	422 No. 1		112-4-25	New	V. 13, p. 1088
11-4-674			111-7-43	New	V. 7, p. 1197, 1198	112-5-10	New	V. 13, p. 1088
rough	Norm	\$7 14 010 010	111-7-33a	New	V. 8, p. 300	112-6-1	Amended	V. 13, p. 1088
11-4-677	New	V. 14, p. 312, 313	111-7-44		4	112-6-2	Amended	V. 13, p. 1088
11 4 / 2000			through		77 40 040	112-6-9	New	V. 13, p. 1089
11-4-678 hrough 11-4-682	New	V. 14, p. 438, 439	111-7-54 111-7-46	Revoked Amended	V. 13, p. 340 V. 11, p. 1152	112-6-10 112-7-24	New New	V. 13, p. 1089 V. 13, p. 843, 1090

				<b>.</b> .	100		
112-8-13 Nev		115-4-5	Amended	V. 14, p. 494	AGE	NCY 116: STATI	FAIR BOARD
	ended V. 14, p. 751	115-4-6	Amended	V. 14, p. 495	Reg. No.	Action	Register
	ended V. 14, p. 751	115-4-7	Amended		116-4-1	New	V. 13, p. 934
1,71-7 1/2,41-1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ended V. 13, p. 1090			V. 14, p. 497	116-4-2	New	V. 13, p. 934
112-12-2 Am	ended V. 13, p. 1996	115-4-8	Amended	V. 14, p. 498	A	GENCY 117: RE	
112-12-3 Rev	roked V. 13, p. 1997	115-4-12	Amended	V. 13, p. 1286		APPRAISAL	
112-12-4	$q_i R^{ij} ac$	115-4-13	New	V. 13, p. 1926	Reg. No.	Action	Register
through		115-5-2	Amended	V. 13, p. 1286	117-1-1	Amended	V. 13, p. 974
	ended V. 13, p. 1997-1999	115-5-3	New	V. 13, p. 1287	117-2-2	Amended	V. 14, p. 533
	ended V. 14, p. 1102	115-8-3	Amended	V. 13, p. 1680	117-3-2	Amended	V. 14, p. 534
	ended V. 13, p. 1999	115-8-19	New	V. 13, p. 1926	117-4-2	Amended	V. 14, p. 534
	ended V. 13, p. 1999	115-8-22	New	and the second of the second o	117-5-1	New	V. 13, p. 975
112-12-14 Nev			,	V. 13, p. 233	117-6-1	Amended	V. 13, p. 1965
	ended V. 13, p. 1091	115-9-5	Amended	V. 13, p. 980	117-6-2 117-7-1	Amended	V. 13, p. 1965
	ended V. 13, p. 1091	115-9-7	New	V. 13, p. 1287	117-8-1	Amended Amended	V. 13, p. 1966 V. 13, p. 1966
	ended V. 13, p. 1091	115-14-1	Amended	V. 13, p. 980			H CARE DATA
	ended V. 13, p. 1091	115-14-2	Amended	V. 13, p. 980	AGEN	GOVERNING	
112-17-1		115-14-8	Amended	V. 13, p. 980	Reg. No.	Action	Register
through		115-14-9	Amended	V. 13, p. 980	120-1-1	New	V. 13, p. 1682
	ended V. 14, p. 752-756	115-14-10	Amended	V. 13, p. 981		NCY 121: DEPA	
	ended V. 14, p. 756	115-17-16	interaca	v. 10, p. 561	AGE	CREDIT UN	
	ended V. 13, p. 1092	through			Reg. No.	Action	Register
	ended V. 13, p. 1092	115-17-20	New	V. 13, p. 234-236	121-1-1	New	V.\14, p. 1214
	ended V. 13, p. 1092	115-18-6	the second second	* * * * * * * * * * * * * * * * * * *		ENCY 122: POO	
	ended V. 13, p. 1092	* * * * * * * * * * * * * * * * * * * *	New	V. 14, p. 950	AGI	INVESTMENT	
112-18-20 Nev	v V. 13, p. 1093	115-18-8	Amended	V. 13, p. 1927	Reg. No.	Action	Register
AGENCY	115: DEPARTMENT OF	115-18-12	Amended	V. 13, p. 1927	122-1-1		•
	DLIFE AND PARKS	115-18-13	New	V. 13, p. 981	122-1-1	New New	V. 14, p. 1126
		115-18-14	Amended	V. 14, p. 1244	122-2-1	New	V. 14, p. 1126
		115-20-1	Amended	V 14 n 123	122-3-1	1404	V. 14, p. 1126
	ended V. 14, p. 949	115-30-3	Amended	77 14 100	through	All All Street	
	ended V. 14, p. 949				122-3-10	New	V. 14, p. 1127, 1128
	ended V. 14, p. 950	115-30-10	New	V. 13, p. 595	122-4-1	New	V. 14, p. 1128
115-4-3 Am	ended V. 14, p. 493	115-30-11	New	V. 14, p. 950	122-5-1	New	V. 14, p. 1128
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